

DOCUMENT RESUME

ED 459 566

EC 308 754

TITLE Special Education in Plain Language: A User-Friendly Handbook on Special Education Laws, Policies, and Practices in Wisconsin. Second Edition.

INSTITUTION Wisconsin State Dept. of Public Instruction, Madison.

SPONS AGENCY Department of Education, Washington, DC.

PUB DATE 2001-00-00

NOTE 62p.; Collaboratively developed by parents, advocacy organizations, school and special education administrators, general and special educators, service providers, union members, special education attorneys, and the Department of Public Transportation.

AVAILABLE FROM For full text:
<http://www.cesa7.k12.wi.us/Sped/Parents/plain/languageindex.htm>.

PUB TYPE Guides - Non-Classroom (055)

EDRS PRICE MF01/PC03 Plus Postage.

DESCRIPTORS Classification; Compliance (Legal); *Disabilities; Discipline; Due Process; Elementary Secondary Education; *Eligibility; Evaluation Methods; Individualized Education Programs; Legal Responsibility; Referral; School Responsibility; *Special Education; State Regulation; *Student Evaluation; *Student Placement; *Student Rights

IDENTIFIERS Behavior Management; Individuals with Disabilities Educ Act Amend 1997; *Wisconsin

ABSTRACT

This book is designed to further understanding of the procedures of Wisconsin's special education programs. The first section of the book is a large chart that is divided into key topics, including child find, transition, referral evaluation procedures, the Individualized Education Program (IEP) team, eligibility, the IEP, student placement, and reevaluation. For each topic, the requirements under the Individuals with Disabilities Education Act (IDEA) are noted, along with an explanation of what the law means, what needs to be done, and what parents need to know or do. Section 2 of the book discusses student placement options other than the traditional public school, including: charter schools, local educational agency placement of a student in a private school, parent placement of a student in a private school, homebound schooling, and home schooling. Section 3 describes how parents and educators can work together to problem solve. Steps parents and teachers can take to informally resolve disagreements are discussed, along with Independent Educational Evaluations, mediation, State IDEA complaints, and due process hearings. Section 4 focuses on addressing behavior problems, functional behavioral assessment, developing behavioral intervention plans, and suspension and expulsion. The final section lists resources relating to disability and includes a glossary. (CR)

ED 459 566

FALL 2001
SECOND EDITION

Special Education

IN PLAIN LANGUAGE

User-friendly Handbook
on Special Education Laws,
Policies, and Practices in Wisconsin

EC 308754

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)

- ☒ This document has been reproduced as received from the person or organization originating it.
- ☐ Minor changes have been made to improve reproduction quality.

* Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

PERMISSION TO REPRODUCE AND
DISSEMINATE THIS MATERIAL HAS
BEEN GRANTED BY

Doyle

TO THE EDUCATIONAL RESOURCES
INFORMATION CENTER (ERIC)

SPECIAL EDUCATION IN PLAIN LANGUAGE

**A User-friendly Handbook on Special Education Laws
Policies and Practices in Wisconsin**

Fall 2001: Second Edition

Collaboratively developed by Parents, Advocacy Organizations, School and Special Education Administrators, General and Special Educators, Service Providers, Union Members, Special Education Attorneys, and the Department of Public Instruction.

Project Committee Membership: Authors, Consultants, and Technical Advisors

S. Patrice Colletti
Nissan Bar Lev
Carolyn Jackson
Debra Taylor
Marsha Roder
Eileen Dagen
Pat Patterson
David Ament
Eric Hartwig
Jeff Spitzer-Resnick

Greg Dietz
Corinne Quadland
Susan Perrault
Barbara Natelle
Amparo Jimenez
Linda Knutson
Elliot Weiman
Pat Kane
Chuck Hastert
Donna Hedrich

Karen Morgensen
Philip Knobel
Judy O'Kane
Gary Myrah
Pa Vang
Patty Engel
Peggy Walker
Robyn Richards
Chris Shafer
Barbara Breen

The contents of this publication were developed under a grant from the U.S. Department of Education. However, its contents do not necessarily represent the policy of the U.S. Department of Education, and you should not assume endorsement by the Federal Government.

Table of Contents

Introduction	1
Part 1: The IEP Process	4
Child Find	
Transition at age three	
Transfer pupils	
Within state	
From outside Wisconsin	
Right to see the child's records	
Referral	
How to refer	
Informing parents before referral	
LEA procedures	
Timeline	
If more time is needed to complete evaluation & IEP	
Additional time for parent participation	
Evaluation report	
EVALUATION PROCEDURES	8
Evaluation notice	
Consent for evaluation	
If parents refuse consent	
More than one evaluation procedure	
Information from more than one source	
Evaluations and tests	
Non-Discriminatory testing	
Valid testing	
Complete assessment	
Relevant assessment	
Evaluation	
Review existing data	
Identify additional data needed to determine:	
If child has disability	
Present levels of performance	
If child needs special education	
If additions or modifications are needed	
Administer tests	
IEP TEAM PARTICIPANTS	12
IEP team	
Parents	
Regular teacher	
Special education teacher	
LEA representative	
Someone to explain tests	
Other participants	
The child	

IEP TEAM'S JOB	14
Decides if the child is eligible	
Participants write summary reports	
Parent participation	
Notice	
Schedule	
IF THE CHILD IS ELIGIBLE	16
Evaluation report	
Copy of the evaluation report	
Additional time	
Requesting the evaluation report during the IEP process	
Receiving a copy of the evaluation report	
IF THE CHILD IS NOT ELIGIBLE FOR SPECIAL EDUCATION	16
Evaluation report	
INDIVIDUALIZED EDUCATION PROGRAM (IEP)	18
When in effect	
Who sees the IEP	
Parent copy of the IEP	
Required components	
Present level of performance	
Annual goals	
Progress toward goals	
Special education and related services	
Participation in general curriculum	
Statewide assessments	
Beginning date, frequency, & duration of services	
Transition	
Transfer of rights at age of majority	
Extended school year services	
OTHER IEP CONSIDERATIONS	24
Consider child's strengths and evaluations	
Behavior	
Limited English Proficiency	
Braille	
Communication needs	
Assistive technology	
Review and Revision	
PLACEMENT	28
Evaluation	
Implement IEP	
Least Restrictive Environment	
Consent for placement	
REEVALUATION	30
Reasons for reevaluation	
Consent	
If testing is not needed	

PART 2: OTHER SCHOOL CHOICES	32
Introduction	
Charter schools	
LEA placement in private schools	
Parent placement in private schools	
What if parents disagree?	
District pays for private school if FAPE not provided	
Homebound schooling	
Home-based or homebound schooling	
Child Find	
Part 3: Problem Solving	34
Introduction	
First steps	
Next steps: What can you do if informal ways of solving problems don't work?	
Independent educational evaluation	
Mediation	
State IDEA complaints	
Due process hearings	
Stay-put rule	
Part 4: Special Education, Behavior and Discipline	39
Introduction	
Prevention	39
How to prevent behaviors from becoming problems	
Functional behavioral assessment	
Behavioral intervention plans: Teaching Alternative Behaviors	
Behavior goals in the IEP	
The IEP team's job in dealing with behavior	
When a problem occurs	41
Disciplinary consequences and school rules.....	42
Suspensions (In-school and removal from school)	
Exclusion through patterns of suspension or expulsion.....	43
Long-term removal options—No weapons or drugs	
Long-term removal options—Danger to self or others	
Long-term removal options—Weapons or illegal drugs	
Expedited hearing	
Progressing in the general education curriculum and IEP goals	
Protections for children not yet eligible for special education	
Part 5: Resources.....	49
National Disability Organizations and Agencies	
Wisconsin State Resources	
Glossary	55
Index	56

Introduction

Some children who are having problems in school may need extra help through special education. Special education is for children who have a disability. Schools must follow certain procedures to decide if a child is eligible for special education. These procedures are written in state and federal laws. The special education laws and procedures are complicated and can be hard to understand.

This book will help parents and others understand some of the procedures of special education. The book is not a complete explanation of all the special education laws, but it has information about many of the most common things readers might have to deal with. This book is not meant to give legal advice. If you need legal advice, talk to a lawyer.

How to use this Book

The first part of this book is a large chart. There are five columns in the chart.

- | | |
|----------|---|
| Column 1 | Topic: use this to easily find the main topic. |
| Column 2 | What the Law Says has the exact words from state or federal law about the topic. State law is shown as "115.xx," since it is from Chapter 115 of Wisconsin statutes. When there is not a state law about the topic, federal law is noted. A citation that begins with "20 USC" is from the federal law called the Individuals with Disabilities Education Act (IDEA). A citation that begins 34 CFR 300 is from the federal regulations for IDEA. If Wisconsin has a policy on the topic, there is a reference to the Department of Public Instruction's "Update Bulletins." |
| Column 3 | What the Law Means is plain language wording about the law. |
| Column 4 | What Needs To Be Done tells the things the IEP team must do. |
| Column 5 | What Parents Need to Know or Do gives ideas for parents. |

When there are blank spaces in the chart, it means the topic is explained somewhere else or that there is nothing the IEP team or parent needs to know or do.

In this book, the term **LEA** is used. LEA stands for Local Educational Agency. Most LEAs are public schools in the local community. There are other agencies that have responsibilities as LEA. These are usually state facilities that have schools. This book uses "LEA," "district" and "school" interchangeably.

Part Three (Problem Solving) and Part Four (Special Education Behavior and Discipline) of this book tell what the law says as well as what experts say. Some of the information is also found in the list of procedural safeguards schools must give to parents when they send them special education forms or notices. State and national resources are listed at the end of the book.

Who is a child with a disability?

A *child with a disability* is a child who needs special education and related services. The child must be at least 3 years old, but not yet 21, and not yet graduated from high school. The term includes a person who becomes 21 during the school term for the remainder of the school term (the last day pupils attend in a school year, other than summer classes). The child has any of the following disabilities:

- Cognitive disabilities (CD)
- Hearing impairments (HI)
- Speech or language impairments (SL)
- Visual impairments (VI)
- Emotional behavior disability (EBD)
- Orthopedic impairments (OI)
- Autism
- Traumatic brain injury (TBI)

- Other health impairments (OHI)
- Specific learning disabilities (SLD)
- Significant developmental delay (SDD)

The law has criteria for each disability to help IEP teams decide if a child has a disability.

The Language of Special Education

Special education has a language of its own. School staff sometimes use letters instead of longer terms. This can sometimes be confusing. Here are a few terms used in special education. Look in the glossary for more help with special education language.

IEP team - Individualized Education Program Team is a group of school staff, parents, and others that either the school staff or parents choose to include.

LEA - Local Education Agency or the school district.

LRE - Least Restrictive Environment

DPI - Department of Public Instruction, the state agency that oversees the LEA.

FAPE - Free Appropriate Public Education, LEAs are required to provide FAPE for all children enrolled in special education in that district.

CESA - Cooperative Educational Service Agency. This is a state-funded agency that provides special services to schools. Schools buy services from CESA, but the school is still responsible for the services.

What do we mean by "Parent"?

(DPI BULLETIN # 00.11)

In this book, the word "parent" means:

- a biological parent;
- a husband who has consented to the artificial insemination of his wife;
- a male who is presumed to be the child's father;
- a male who has been adjudicated the child's father by a court;
- an adoptive parent;
- a legal guardian;
- a person acting as a parent of a child;
- a person appointed as a sustaining parent; or
- a person assigned as a surrogate parent.
- a foster parent under certain circumstances (See DPI Bulletin # 00.05)

"Parent" does not include:

- any person whose parental rights have been terminated;
- the state or a county or a child welfare agency if:
 - a child was made a ward of the state or a county or child welfare agency or if
 - a child has been placed in the legal custody or guardianship of the state or a county or a child welfare agency; or
 - an American Indian tribal agency if the child was made a ward of the agency or placed in the legal custody or guardianship of the agency.

Procedural Safeguards

Both state and federal special education laws give parents and schools certain rights. The law says that the school must tell parents about twelve procedural safeguards. The school sends parents a written explanation of these rights at certain times. The twelve items in the procedural safeguard notice are:

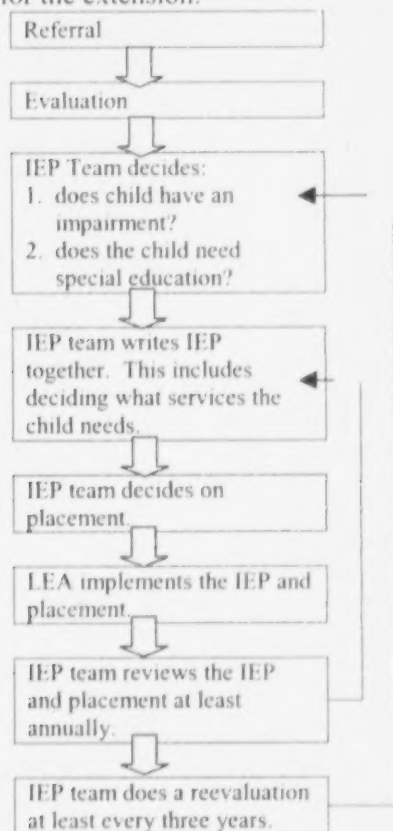
- Independent Educational Evaluation
- Prior Written Notice
- Parental Consent

- Access to Educational Records
- How To Start a Due Process Hearing
- The Child's Placement During Due Process Proceedings
- Procedures for Pupils who are Subject to Placement in Interim Alternate Educational Settings
- Requirements for the Unilateral Placement by Parents of Pupils in Private Schools at Public Expense
- Mediation
- Due Process Hearings
- Civil Actions
- Attorney Fees
- How to File a State IDEA Complaint

For questions that are not answered in this book, talk to people at the child's school. Start with the child's teacher. If the teacher does not know the answer, or more information is needed, talk to the principal or the school's director of special education. It is best to work out problems or get questions answered at the local school. The Department of Public Instruction (DPI) has many resources that can help parents. Parents may call the DPI when the local school cannot answer a question or solve a problem. Parents can also use the DPI web site (www.dpi.state.wi.us).

Special Education Process Map

This chart shows how a child gets into a special education program. State law says that the whole process may take no more than 90 calendar days from the time the school gets the written referral to the day parents are notified of their child's placement in special education. If the school needs an extension of the 90 day timeline, it can ask the parent to agree, in writing, to a specific extension. If the parent won't agree, and the school has a good reason for needing the extra days, the school may ask the Department of Public Instruction for the extension.



Although this chart shows a series of decisions, all the decisions are connected. All the decisions are centered on the needs of the child.

For example, when the IEP team talks about evaluation, they also think about what services the child will need and where the child will get the services.

For some children, all the IEP team's decisions can be made in one meeting. For other children, the IEP team will need to meet together several times.

Anyone on the IEP team can ask for more time if it is needed. Anyone on the IEP team can also ask for an IEP team meeting to be held if there are changes to be talked about.

PART 1: THE IEP PROCESS

Topic	What the Law Says	What the Law Means
CHILD FIND	The local educational agency...identifies, locates and evaluates all children with disabilities who are in need of special education and related services, including such children who are not yet 3 years of age. 115.77(1)(m)(a)	Schools are responsible for finding children with disabilities living in the school district. They also must evaluate those children to see if they need special education. They must have policies and procedures for all children with disabilities residing in the district who are identified, located and evaluated. This includes children with disabilities attending private schools.
TRANSITION AT AGE THREE DPI BULLETIN #98.09	Ensures that children in early intervention programs...who will participate in preschool programs...experience a smooth transition to those preschool programs, and that, by the third birthday of such child, an individualized education program has been developed and is being implemented for the child. The local educational agency shall participate in transition planning conferences arranged by the county administrative agency. 115.77(1)(m)(c)	There must be a smooth transition from Birth to Three programs to school programs, if that is the child's next step. With parent permission, the Birth to Three program should invite the school to a planning meeting at least 90 days before the child's third birthday. The school must participate in planning the child's transition and IEP before the child begins a school program. The IEP team looks at existing data and does any testing needed with the parents' permission.
TRANSFER PUPILS (WITHIN STATE)	When an LEA receives a transfer pupil with a disability, the receiving LEA shall implement the IEP from the sending LEA until the receiving LEA adopts the sending LEA's IEP or develops its own IEP. PI 11.07 (2) (b)	When a pupil transfers from one district to another within Wisconsin, the pupil will continue to get special education services.
(FROM OUTSIDE WISCONSIN) DPI BULLETIN #00.10	When an LEA receives a transfer pupil with a disability from a public agency in another state, the LEA may provide special education and related services in accordance with the most recent IEP developed by the sending public agency until the LEA develops its own IEP or adopts the sending public agency's IEP. PI 11.07(3)(b) The LEA shall adopt the evaluation and the eligibility determination or conduct a new evaluation and eligibility determination...The LEA shall adopt the IEP of the sending public agency or develop a new IEP. PI 11.07(3)(c)	When a pupil transfers from a school outside Wisconsin, the new school must enroll the child right away. The school can continue the child's special education. However, the school is not required to continue special education at the time the child enrolls. The school can accept the old evaluation and eligibility determination if they meet legal requirements. If the school doesn't accept them, the school must start an evaluation to see if the child is eligible under Wisconsin laws. If the child is eligible, the school must use the old IEP or make a new one. The school must evaluate and have an IEP and placement within 90 days of enrollment.
RIGHT TO SEE THE CHILD'S RECORDS DPI BULLETINS #98.02 #98.06	...the parents of a child may examine all records relating to the child and may participate in meetings about the identification, evaluation and placement of the child, and the provision of a free appropriate public education to the child. 115.792(1)(a)1	Parents may see all of their child's school records. This includes behavior reports.

What Needs To Be Done	What Parents Need To Know or Do
School districts have policies and procedures for how they will find children with disabilities in their districts. The plans describe how the district will help children get needed services. The plans might include newspaper announcements, flyers in public places or mailings to doctors and hospitals in the area. Most districts also have scheduled screening programs.	Schools must find children who have disabilities and find out if they need special education. Parents can get a copy of the school's policies. Ask the principal or administrator for the Child Find policies. It is best to ask for it by writing a letter. Child Find is from birth to age 21.
The school will send someone to the transition planning meeting to plan for the child's services in the school. The school will have an IEP for the child no later than the child's third birthday if the child is eligible for special education.	Some children get special services from birth to age 3. The Birth to Three program ask parents' permission and invite the school to a transition planning meeting at least 90 days before the child turns three. If a child needs special education, parents should make sure the Birth to Three program makes a referral. The parent should go to the school meeting where the IEP team will write an IEP. Parents are equal partners on the IEP team. Schools can also help if the child has other school needs. Parents can ask the principal for help. Parents should also talk to the new teachers and visit the new classroom.
The child's new school must get the current IEP and evaluation from the old school. Special education must start right away. The new school will review the most recent evaluation, eligibility determination, and IEP. Special education might not start right away. First, the IEP Team may evaluate to see if the child is eligible. The school will either accept the old evaluation and eligibility determination or complete new ones. The school will decide if the child is eligible under Wisconsin law. If the child is eligible, the school will adopt the old IEP or develop a new one.	Be sure to tell the new school your child received special education. Bring the old IEP with you to the new school. Bring a copy of the most recent evaluation. Bring the phone number of your old school. The new school must let your child start school right away, even if the new school doesn't start your child's special education right away. Give the school the most recent evaluation and IEP. You should participate in any meetings about your child's evaluation, eligibility, IEP, or educational placement.
Schools usually keep the child's confidential records in a locked file in the office. Behavioral records may be in a separate locked file. Schools must provide access to all pupil records before an IEP meeting, due process hearing, and no later than 45 days after a parent's request. Teachers also keep classroom records. The teacher does not need to show files to parents as long as the teacher never shares the files with anyone else, including other teachers. If the teacher does share the file with others, then parents also have the right to read it. Upon the parents' request, the school must tell parents where all of their child's records are located.	Parents have the right to see all their child's school records, including behavior reports. They can see notes that were kept and shared with others. They can have copies of all records. The school may have the parents pay for copies. Parents should look at their child's records to see if everything is in order. Parents have the right to ask the school to remove information from the file if the parent thinks it is wrong.

Topic	What the Law Says	What the Law Means
REFERRAL	A physician, nurse, psychologist, social worker or administrator of a social agency who reasonably believes that a child brought to him or her for services has a disability shall refer the child to the local educational agency. A person who is required to be licensed..., who is employed by a local educational agency and who reasonably believes a child has a disability, shall refer the child to the local educational agency... Any person...who reasonably believes that a child is a child with a disability may refer the child to a local educational agency... 115.777(1)	Any health care person or other named professional person, including school staff who thinks the child has a disability, is required to make a referral to the school. Anybody else, including parents, who think a child might have a disability, may refer the child to the school.
How to refer	All referrals shall be in writing and shall include the name of the child and the reasons why the person believes that the child is a child with a disability. 115.777 (2)(a)	A person wishing to make a referral must make it in writing. The referral should say why the person thinks the child has a disability. It must also include the child's name.
Informing parents before referral	Before submitting a referral to a local educational agency..., a person required to make a referral... shall inform the child's parent that he or she is going to submit the referral. 115.777(2)(b)	Before teachers or professionals make a referral, they must let the child's parents know that they are going to make the referral.
LEA procedures	A local educational agency shall do...the following: • Establish written procedures for accepting and processing referrals; • Document and date the receipt of each referral; • Provide information and inservice opportunities to all its licensed staff to familiarize them with the agency's referral procedures; and • At least annually, inform parents and persons required to make referrals...about the agency's referral and evaluation procedures. 115.77(3)	Schools have written procedures for what happens to the referral when they receive it. They have to keep a record of the date they received the referral.
Timeline	The local educational agency shall notify the parents of the educational placement of the child within 90 days after the local educational agency receives a special education referral for the child... 115.78(3)(a)	When the school district receives a referral, they have 90 days to do the evaluation, hold the meeting(s), decide what educational services will be offered for the child, and send the parent a notice of where the child will get special education services
If more time is needed to complete evaluation & IEP	Before the expiration of the 90 day period, if a local educational agency needs an extension it shall inform the child's parent of the need and reasons for an extension and request the child's parents to agree in writing to a specific extension of time beyond the 90 day period. If the parent does not agree to an extension, the local educational agency may request an extension from the division. 115.78(3)(b)&(c)	The school sometimes needs more than 90 days to complete all steps in the process from referral to placement. Parents may give their permission for more time in writing. If parents do not give permission, the school may ask for permission from DPI.
Additional time for parent participation	Subject to pars. (a) to (c), if the parents of the child or the local educational agency staff determines at any point during the process of the evaluation, development of the individualized education program, or placement of the child that additional time is needed to permit meaningful parental participation, the local educational agency shall provide it. 115.78(3)(d)	Parents need to take part in every step of the IEP team process including evaluation, IEP writing and placement. Sometimes parents need more time to think about what school staff is saying at the meeting. School staff must give parents more time if they or parents think it is needed.

What Needs To Be Done	What Parents Need To Know or Do
Schools have their professional staff make a referral when they believe a child has a disability. Schools cannot refuse to accept a referral. Teachers are supposed to document what they have tried to help a student before they refer them for evaluation.	Parents can make a referral if they think their child might have a disability. Other people, like doctors, teachers, nurses or anyone can make a referral if they think the child has a disability.
Referrals must be in writing. Many schools have a referral form that parents can use, but the referral can be just a letter from the person making the referral. Schools may help parents make the written referral.	A referral must be in writing. Some schools have a form. Parents can write a letter to the school to ask the school to evaluate the child. Parents should write the date at the top of the letter. They should keep a copy of the letter.
School staff will contact parents to tell them they are going to make a referral to evaluate.	
Schools must put their procedures for referral in writing for anyone to see. They must tell staff and other named professionals about these procedures. Many schools "date stamp" the letter when it comes in because the 90 day timeline begins when the referral is received.	Parents can ask the school for a copy of the procedures for the special education process.
When the school gets a referral, they write the date they received it. The school then has 90 days from that date to complete the IEP process. When the school gets a written referral, they must start the evaluation process.	
A request for an extension must be for a child specific reason, for example: • A child who is sick; • Parents sometimes wait to give their consent for evaluation; and • There are times when extra testing must be done. These may cause the school to need more than 90 days. The school must ask the parents for an extension of the 90 days. If the parents say no, the school may ask DPI for the extension.	If the school asks for more time to complete the evaluation and IEP, parents should sign the papers if they agree that there is a good reason for more time. If the parents do not sign the form, then the school may ask DPI for permission. If DPI sees a good cause, DPI gives permission.
If anyone on the IEP team, including the parents, thinks more time is needed to allow parents to participate in the IEP process in a meaningful way, the school must give more time, within the limits of the 90 day timeline. If the school can't finish the process within the 90 day timeline, it can ask for an extension. (See above).	Everyone on the IEP team, including the parents, has the right to ask for more time. The school must allow extra time if it is needed for parents to be equal partners on the IEP team. Parents may ask for the meeting to stop. The IEP team will set a new date to meet. Parents may want to take the information home to read and study. They may want to talk about it with family members or other child experts.

Topic	What the Law Says	What the Law Means
Evaluation report	INFORMATION. At the beginning of any meeting to address the evaluation, individualized education program or placement of a child, the local educational agency staff shall inform the child's parents of their right to be provided with additional time...and their right to a copy of the evaluation report... 115.78(4)	At the beginning of any meeting to talk about evaluation, IEP writing, or placement, the school staff must tell parents that they may take extra time if they need it. The IEP team writes an <i>Evaluation Report</i> . LEA staff tells parents that they may have a copy of the <i>Evaluation Report</i> .

EVALUATION PROCEDURES

EVALUATION NOTICE	The local educational agency shall notify the parents of the child, of any evaluation procedures the agency proposes to conduct, the qualifications of the individuals who will conduct the evaluation and their names, if known. 115.782(1)(a)	The school must let parents know that they want to evaluate a child for special education and related services. The school must tell the parents, in writing, about the evaluation. Every evaluation starts with the IEP team reviewing existing data and deciding whether or not more tests are needed. If new testing is needed, the school must tell the parents, in writing, who will do the testing (if known), their title and what kind of testing they will do.
CONSENT FOR EVALUATION DPI BULLETIN # 98.16	The local educational agency proposing to conduct an evaluation shall obtain informed consent from the child's parent before the evaluation is conducted. Parental consent for evaluation does not constitute consent for placement for receipt of special education and related services. 115.782(1)(b)	The school cannot give new tests in an evaluation until they have the parent's written permission (consent). Permission is for evaluation only, not for being in special education.
If parents refuse consent	If the child's parents do not consent to the evaluation, the local educational agency may continue to pursue an evaluation using the procedures under 115.797 (mediation) or 115.80 (due process)	If the parent does not give consent for the evaluation, the school has 3 choices: • Do nothing and the process stops; • Go to mediation; and • File for a due process hearing to get consent from a hearing officer. The district must take its responsibility to provide very seriously. The district has an obligation to provide the child with FAPE..
MORE THAN ONE EVALUATION PROCEDURE	In conducting the evaluation, the individualized education program team shall not use any single procedure as the sole criterion for determining whether a child is a child with a disability or for determining an appropriate educational program for the child. 115.782(2)(a)	Schools must use more than one test or evaluation procedure to decide if a child qualifies for special education and to decide the child's program.
INFORMATION FROM MORE THAN ONE SOURCE	The individualized education program team shall... Use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the child's parent, that may assist in determining whether the child is a child with a disability and the content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general curriculum or, for preschool children, to participate in appropriate activities. 115.782(2)(a)1	The IEP team will get information about the child from many sources. The information can come from parents, tests, observations, the child's doctors or therapists. The information will be used to decide if the child qualifies for special education. The information will also help the team write the IEP so that the child can participate in the general curriculum.

What Needs To Be Done	What Parents Need To Know or Do
At the beginning of every IEP team meeting, school staff tells parents that they may take more time to think things over. School staff also tells parents that they may have a copy of the IEP team's <i>Evaluation Report</i>. The <i>Evaluation Report</i> is a full report of the IEP team documenting its decisions about whether a child has a disability and the reasons for those decisions.	When parents get their copy of the <i>Evaluation Report</i>, they should read it carefully. If they want more time to study the report or need further explanation, they should tell the school staff. The <i>Evaluation Report</i> is a full report. The whole IEP team writes it together. It is not the same as the IEP. If the parents do not ask for the <i>Evaluation Report</i>, they will get a copy when they get the notice of placement.
If new tests are needed, the school will send a form asking for parent permission to test. The form will include information about the evaluation. The school selects the tests and the staff who will give them. If no new testing is needed, the school does not need to get parent permission.	Parents sign the consent form to give their permission for evaluation. Parents should send the consent form back to school as soon as possible. This will help the IEP team to finish the IEP team process before 90 days are over.
The school must tell the parent in writing about the evaluation. If new testing is needed, the school must also tell the parents who will do the testing (if known), their title and qualifications, and what kind of testing they will do. The school must get the parents' consent before giving the tests.	Parents can ask the school to explain the evaluation before giving permission.
The school has to decide how important it is to test the child. The main issue is for the child to have FAPE.	Parents have the right to refuse consent. Parents also need to understand that the law makes the school responsible for FAPE, even if parents do not consent.
The IEP team, or other qualified professionals, does the testing, watches the child's behaviors, and asks people outside of school about the child's strengths and needs. They use all of this information to help decide if the child qualifies for special education. They do not use just one test.	The IEP team must look at many things before saying a child has a disability. Parents should tell the IEP team about their child at home, with family, and in the community. Parents may also give the IEP team information from the child's doctors, therapists, or others.
The IEP team will gather information to understand the whole child.	Parents may write down information about their child for the IEP team. Parents should tell the other members of IEP team about the things the child can do well. They should also tell what the child likes to do and should tell what is difficult. Parents can also ask a doctor or therapist to tell the IEP team about the child. Doctors or therapists may tell the IEP team in person, in writing or on a speakerphone.

Topic	What the Law Says	What the Law Means
Evaluations and tests	The individualized education program team shall...use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. 115.782(2)(a)2	School staff use tests that give accurate information.
Non-discriminatory testing	The individualized education program team shall...ensure: that tests and other evaluation materials used to assess a child ...are selected and administered so as not to be racially or culturally discriminatory and are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so. 115.782(2)(a)3.a	The tests used must not discriminate against a child because of the child's race or culture. The tests must be given in the language normally used by the child, or in whatever way the child uses to communicate, if at all possible.
Valid testing	The individualized education program team shall...ensure: that any standardized tests that are given to the child have been validated for the specific purpose for which they are used, are administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of such tests. 115.782(2)(a)3.b	The IEP team selects the appropriate tests to measure the child's needs, the people giving the tests are properly trained, and follow the test's directions.
Complete assessment	The individualized education program team shall...ensure: that the child is assessed in all areas of suspected disability. 115.782(2)(a)3.c and 300.532(h)	The child is tested or evaluated in all areas of a suspected disability by the IEP team. The evaluation must be broad enough to find all the child's special education needs.
Relevant assessment	The individualized education program team shall...ensure: that assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are used. 115.782(2)(a)3.d	Any tests given must help people decide what the child's educational needs are.
EVALUATION	As part of an initial evaluation of a child and as part of any reevaluation of a child...the individualized education program team and other qualified professionals, as determined by the local education agency shall do all of the following: 115.782(2)(b)	The IEP team, which includes the parents and people appointed by the LEA, must do all of the following:
Review existing data	(1) Review existing evaluation data on the child, including evaluations and information provided by the child's parents, previous interventions and the effects of those interventions, current classroom-based assessments and observations, and observations by teachers and related services providers.	The team must examine all the current information available on the child from various sources, including information from the child's parents. The IEP team will look at anything that was tried prior to this evaluation and what changes may have occurred. The IEP team looks at any current assessments from the classroom. There may be observations made by teachers, professionals, and qualified persons who have training in the suspected area of disability.
Identify additional data needed to determine:	(2) On the basis of that review and information provided by the child's parents, identify the additional data, if any, that are needed, and the qualifications of the evaluators that are needed to determine all of the following:	By gathering all of the above information, including information from the child's parents, the IEP team will decide if any additional testing might be needed. The IEP team will also decide if any qualified evaluators need to be added to the team to determine the following:
If child has disability	a. Whether the child has a particular category of disability or, in case of a reevaluation of a child, whether the child continues to have such a disability.	Whether the child has a disability (in the case of a reevaluation, does the child continue to have a disability)?

What Needs To Be Done	What Parents Need To Know or Do
The IEP team decides what, if any, new information is needed. The school gives the tests or does other evaluation procedures to get the information the IEP team needs. The parent gets a written notice telling which tests the school plans to use.	Parents may ask to see information about the tests their child will take. Parents should ask the school staff to explain the tests. Parents can look at their child's answer sheet. Parents cannot look at the test kit itself.
The IEP team picks tests and assessments that do not discriminate because of a child's race or culture. As much as possible, the tests must be given in the language the child normally uses. For example, the school may use interpreters when children do not speak English or use sign language. The school may also allow a facilitator for children who use facilitated communication. Children may also use communication boards or other communication tools.	Testing must be fair to children of all cultures and languages. Parents should tell the school how their child communicates best. Parents should make sure the school uses their child's communication methods for the testing.
Tests are chosen to measure specific areas of the child's needs. Schools keep information about the tests they choose, the people who do the tests, and why they choose one test or another. Schools also make sure the staff is properly trained in giving the tests.	Parents can ask why the school used one test instead of another one. Parents may ask the school to use a particular test, but the school makes the final decision on which test they will use.
Tests and other assessment procedures are picked to evaluate all of the child's needs. The IEP team does not look at just one part of the child's needs.	Parents should give information about their child to help the IEP team make good plans.
The IEP team makes sure that the reason for giving a test is to get information to help determine the child's educational needs.	Parents provide information about their child to help the IEP team participants find the child's educational needs.
The IEP team must review existing information and testing that the child has done. If there is a need to have other people be on the IEP team, the school must appoint them to the team and tell the parents.	Parents should write down their ideas about what their child needs. They should give it to the IEP team before the IEP meeting. This will help the school in doing the evaluation. Parents can give the names of other people who have knowledge of the child. These other people may also be part of the IEP team.
The IEP team will look at all of the child's records, including medical, attendance, behavioral, state and district testing information, etc. and will also look at any information provided by the parents. The IEP team will look at anything that has been tried to enhance the child's education and look to see if those special things that were tried helped or hindered the child's education in any way. The IEP team will be looking at how the child learns and participates in regular education classes and other activities in the school.	Parents tell the IEP team about their child.
The IEP team decides what information they may still need to get. If more information is needed, the IEP team decides what kind of testing is needed. The IEP team also decides what qualifications the person doing the testing will need to have.	As part of the IEP team, parents help decide what other information is needed to answer the following questions:
The IEP team answers the question: Does the child have a disability or continue to be a child with a disability?	Does the child have a disability or continue to be a child with a disability?

Topic	What the Law Says	What the Law Means
Present levels of performance	b. The present levels of performance and educational needs of the child.	What are the child's educational needs, using the child's present levels of performance?
If child needs special education	c. Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services.	Does the child need special education and related services? In the case of reevaluation, does the child continue to need special education and related services?
If additions or modifications are needed	d. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable, annual goals specified in the child's individualized education program and to participate, as appropriate in the general curriculum.	Are any modifications or accommodations provided through special education and related services needed? These additions or modifications must be needed to allow the child to reach annual goals that are measurable as written in the child's IEP. What is needed for the child to participate in the general curriculum?
ADMINISTER TESTS	The local educational agency shall administer such tests and other evaluation materials as may be needed to produce the data identified [above]. 115.782(2)(c)	The LEA must be sure that the tests and evaluation materials used give the facts on which a decision is to be based to provide the information the IEP team needs.

IEP Team Participants

IEP TEAM	The local educational agency shall appoint an individualized education team for each child referred to it. Each team shall consist of the following: 115.78(1m)	The school appoints the members of the IEP team. Parents are equal participants on the team.
Parents	The parents of the child. 115.78(1m)(a)	Parents are participants on the IEP team.
Regular Teacher	At least one regular education teacher of the child if the child is, or may be, participating in a regular educational environment. 115.78(1m)(b) The regular education teacher of the child, as a participant on the individualized education program team, shall, to the extent appropriate, participate in the development of the individualized education program of the child, including the determination of supplementary aids and services, program modifications and support for school personnel. 115.787(3)(c)	A teacher from the child's regular education classroom if the child is, or may be in regular education. If the child will participate in regular education for any part of the day, a regular education teacher must be a part of the IEP team. The regular education teacher helps write the IEP for the child. The regular education teacher helps to define the services, program modifications and support for school staff to help the child succeed in the regular classroom.
Special Education Teacher	At least one special education teacher who has extensive and recent training and experience related to the child's known or suspected disability... or, where appropriate at least one special education provider of the child. 115.78(1m)(c)	There must be a special education teacher on the IEP team who is licensed in the child's area of disability or who has training and experience related to the child's needs arising from his or her disability. Whether a special education teacher has "extensive and recent training and experience" is based upon the child's needs and the teacher's training and experience.

What Needs To Be Done	What Parents Need To Know or Do
The IEP team answers the question: What are the educational needs of the child? It looks at how well the child is performing at the present time.	What are the educational needs of the child? How is the child doing right now?
The IEP team answers the question: Does the child need special education and related services?	Does the child need special education and related services?
The IEP team determines any special things the child may need to have provided through special education and related services. The IEP team decides how the child will be a part of the general school population.	Parents can provide information to help the school decide what modifications might be needed to help their child be successful. Ask for a list of what is available to assist the child with his/her learning.
The LEA must be sure that all of the tests and evaluations results are looked at and reviewed to help the IEP team determine the above information.	Ask any questions about the tests that will be used to evaluate the child.
The LEA decides who will be the school staff on the IEP team and sends parents an invitation to the IEP meeting. The invitation will list the names of the people who represent each of the categories who must be on the IEP team. Schools make all participants welcome. School professionals listen to the information presented by parents and their child experts. School professionals understand that evaluation is more than their own testing.	Parents should tell the school that they are coming to the IEP meeting. They should tell the school who they are bringing along as child experts or support. At the meeting, the parents should make sure all required people are at the meeting to help make the decisions. Parents are equal partners on the IEP team.
Parents are part of the IEP team.	Parents should be sure to come to the meeting. They should call the school if they can't come to the IEP meeting. They can ask for the meeting to be held on a different date.
Most IEP teams will include a regular education teacher to help develop the IEP. If the child has more than one regular education teacher, they may not all be at the IEP meeting. The regular education teacher is a teacher who may be responsible for implementing the IEP. The school will decide which teacher will be at the meeting. The regular classroom teacher helps to write and develop a child's IEP. The regular education teacher helps determine what supplementary aids and services are needed. This teacher helps identify accommodations and modifications that will be needed for the child to be successful in the regular education programs. This teacher also helps to identify what support will be needed for school personnel to serve the child.	The parents should ask if they do not understand why a regular education teacher is not at the IEP meeting. The decision about the regular classroom is made by the IEP team. Parents can help the IEP team plan for the child to be successful when with his peers, in classrooms, or in special activities. The IEP team, which includes the parent, decides if the child will be in regular education classrooms or programs for all or part of their school day. TIP: Ask the other IEP team members to talk about your child being in the Least Restrictive Environment (LRE.)
The school makes sure the IEP team has a special education teacher who is licensed or has training and experience in the child's disability-related needs. The special education teacher should be one who is or will be responsible for implementing the IEP. Schools make sure teachers keep up-to-date in their skills by sending them to teacher training events provided by the school district, CESA, or other places.	Parents may ask to have other teachers, who are not their own child's teachers, involved with the IEP team. Schools have many opportunities to get more training for their staff to help them understand the child's disability and needs.

Topic	What the Law Says	What the Law Means
LEA Representative	A representative of the local educational agency who is qualified to provide, or supervise the provision of, special education, is knowledgeable about the general curriculum and is knowledgeable about and authorized to commit the available resources of the local educational agency. 115.78(1m)(d)	A principal, special education director, teacher, or anyone who can be sure the services in the IEP are provided to the child. This person must know about the regular education curriculum and the school district's resources.
Someone to explain tests	An individual who can interpret the instructional implications of evaluation results, who may [otherwise] be a team participant. 115.78(1m)(e)	Somebody on the IEP team must be able to explain what the tests mean in plain language or in the language the parents normally use.
Other participants	At the discretion of the parent or the local educational agency, other individuals who have knowledge or special expertise about the child, including related services personnel, as appropriate. 115.78(1m)(f)	The school or parents may bring other people to the IEP meeting. The law says these people must have "knowledge or expertise". The one doing the inviting makes the decision about this person's "knowledge or expertise".
The child	Whenever appropriate, the child. 115.78(1m)(g)	The child may attend the meeting and participate.

IEP TEAM'S JOB

Decides if the child is eligible	Upon completion of the administration of tests and other evaluation materials, the individualized education program team shall determine whether the child is a child with a disability. The individualized education program team may not determine that a child is a child with a disability solely because the child has received insufficient instruction in reading or math or because the child has limited English proficiency. 115.782(3)(a)	After reviewing existing information and the results of new tests, if any, the IEP team decides if the child has a disability. They cannot say that the child has a disability if the child's problems are only because of a lack of instruction in basic subjects or because the child has limited English.
Participants write summary reports	Each individualized education program team participant who administers tests, assessments or other evaluation materials as part of an evaluation or reevaluation of a child under this section shall prepare and make available to all team participants at a team meeting a written summary of the participant's findings that will assist with program planning. 115.782(2)(e)	If new tests were done, each IEP team participant who did testing must write a <i>Summary Report</i> of what they found. Everyone on the IEP team, including the parents, gets a copy of each summary report at the beginning of the IEP meeting. The <i>Summary Report</i> lists the evaluation procedures that were used. The reports also tell the results of the tests. The reports are intended to help with writing the child's IEP.
Parent Participation	Each public agency shall take steps to ensure that one or both of the parents of the child with a disability are present at each IEP meeting or are afforded the opportunity to participate including:	Schools must make sure parents are told about every IEP meeting. If parents cannot attend the meeting, they may be given another way to participate such as by phone, conference call, etc.
Notice	Notifying parents of the meeting early enough that they will have an opportunity to attend, and	Schools must let parents know about any IEP meeting soon enough for the parents to attend.
Schedule	Scheduling the meeting at a mutually agreed upon time and place. 300.345(a)	Schools must arrange the meeting at a time and place that both parents and school agree is okay.

What Needs To Be Done	What Parents Need To Know or Do
The school chooses the LEA representative. The LEA representative has the authority to commit school resources.	Parents should ask who the LEA representative is for the meeting. They should write down the name and title of the LEA representative. The LEA representative may serve more than one purpose on the IEP team. If there is no LEA representative, parents should remind the group that this meeting should be rescheduled for a time when an LEA representative can participate.
The school has someone on the team who can explain the test results. This person may also be one of the other participants.	Parents can ask to have test results explained if they do not understand.
The school may bring others who work with or know the child to the meeting. The school must consider information from others who the parent brings.	Parents can bring other people with knowledge or special expertise to the IEP meeting. For example: friend or relative of the family, neighbor, classmate's parent, doctor, therapist, babysitter, or child care provider, member or parent support group.
The school must invite the child when transition issues are being discussed, beginning no later than at age 14.	Parents may want to have the child go to the IEP meeting. Parents can have the child at the IEP meeting whenever they want. The child can participate as much as possible.
The school staff members or other qualified professionals on the IEP team do the testing with the child. Then the entire team, including the parents, decides if the child qualifies for special education. The IEP team will use state law to decide if the child qualifies for special education. The IEP team cannot decide the child has a disability if the child's problems are only because of poor or limited instruction in basic subjects or has limited English.	Parents tell the IEP team about their child's needs. It is easier if parents have their information organized and written. They may give copies of their information to all participants for better understanding.
If new tests were done, each IEP team participant who did testing will write a brief summary report of his or her findings. Usually, the <i>Summary Report</i> is about one page long. Each member of the IEP team, including parents, gets a copy of the <i>Summary Report</i> at the start of the meeting. The report lists the evaluation procedures that were used. It will also identify the findings that will help with writing annual goals and short-term objectives or benchmarks. The report will be used to determine eligibility, to plan the child's program and to write the child's IEP.	All members of the team get copies of the <i>Summary Reports</i>. Parents should read the reports carefully. Parents should mark or highlight important parts of the reports. Parents can take home the summary reports and study them before the team goes on to write the IEP. The information from the <i>Summary Reports</i> and discussions are used by the IEP team to make decisions about eligibility. The IEP team, as a group, also writes an <i>Evaluation Report</i> (see below).
Schools need to make sure all IEP team members are told about the IEP meeting. They try to make it possible for parents to attend the meeting. School sends the parent a letter inviting them to the IEP meeting. The letter will list suggested time and place for the meeting.	Parents should make plans to attend the IEP meeting. If they cannot get to school, they may ask to attend the meeting by phone.

Topic	What the Law Says	What the Law Means
IF THE CHILD IS ELIGIBLE		
EVALUATION REPORT	If the individualized education program team determines that a child is a child with a disability, the team shall prepare an evaluation report that includes documentation of determination of eligibility. 115.782(3)(b)	The IEP team's evaluation report must include the reasons why the child qualifies for special education. It has information from the summary reports and from the team participants. It will tell the parent if the child has a disability according to special education law.
COPY OF THE EVALUATION REPORT	The LEA shall ask each individual IEP team participant if he or she wants a copy of the evaluation report or... 115.782(3)(b)	Someone from the LEA will ask each IEP team participant if they want a copy of the <i>Evaluation Report</i> , before going on to do the IEP.
ADDITIONAL TIME	The LEA shall ask each individual IEP team participant if he or she wants... additional time before the individualized education program team develops the child's individualized education program. 115.782(3)(b)	Someone from the LEA will ask all IEP team participants, including parents, if they need additional time before the team writes the IEP. Parents may ask for additional time before the team meets to develop the IEP. The additional time is to ensure meaningful parent participation.
REQUESTING THE EVALUATION REPORT DURING THE IEP PROCESS	If any individualized education program team participant requests a copy of the evaluation report at any point in the process of developing the child's individualized education program or considering the child's educational placement, the local educational agency shall give a copy of the report to each individualized education program team participant before continuing the process. 115.782(3)(b).	Parents will automatically get a copy of the <i>Evaluation Report</i> with the placement paperwork. Any IEP team participant, including the parent, has the right ask for and get a copy of the <i>Evaluation Report</i> at any time. The school must then provide a copy of the report to the IEP team before the meeting continues.
RECEIVING A COPY OF THE EVALUATION REPORT	If no individualized education program team participant requests a copy of the evaluation report, the local educational agency shall give a copy to the child's parents with the notice of placement... 115.782(3)(b)	Even when no one asks for a copy of the IEP team <i>Evaluation Report</i> , the school will send the parents a copy when they send the notice of placement.
IF THE CHILD IS NOT ELIGIBLE FOR SPECIAL EDUCATION		
EVALUATION REPORT	If the individualized education program team determines that a child is not a child with a disability, the team shall prepare an evaluation report. 115.782(3)(c)	The IEP team <i>Evaluation Report</i> includes the reasons why the child does not qualify for special education. It will have information from the <i>Summary Reports</i> and from the team participants. It says why the child does not have a disability according to special education rules.
	The report shall identify any educational needs of the child and any services offered by the local educational agency, from which the child may benefit and shall include information about any programs and services, other than those, offered by the local educational agency, that may benefit the child. The local educational agency shall give a copy of the evaluation report to the child's parents. 115.782(3)(c)	The IEP team will identify the needs the child does have, even if the child does not qualify for special education. The report will list other programs in the school that might help the child. If there are other programs or services outside of school that could help, the IEP team will give information about them.

What Needs To Be Done	What Parents Need To Know or Do
The IEP team will write an evaluation report. The report tells how the child has qualified for special education. The IEP team decides if the child meets the criteria for a disability. The IEP team also decides if the child needs special education because of the disability. The evaluation report will give the reasons for these decisions.	Parents should make sure they understand why their child qualifies for special education. If the parent wants to study the <i>Evaluation Report</i> at home, the IEP team will schedule another meeting for writing the IEP.
At the IEP team meeting, the school staff will ask parents if they want a copy of the evaluation report before going on to writing the IEP.	If parents want time to study the evaluation report at home, the IEP team must schedule another meeting for writing the IEP.
The LEA staff must also ask if parents need more time to review the <i>Evaluation Report</i> before writing the IEP.	Sometimes IEP meetings can be hard for parents. Parents should feel free to say when they need a break or when they need time to take home the papers to study them. Parents should look at all the reports. They can share the reports with others or ask for more explanations.
If any IEP team participant asks for a copy of the <i>Evaluation Report</i>, the school will give them a copy before going on with the process. Usually, this means scheduling another meeting, preparing the report at the meeting, sending the report to all team members and giving them enough time to study it.	There are three ways for a parent to get a copy of the <i>Evaluation Report</i>: 1. It will automatically be sent with the placement, 2. Say YES when a representative asks, and 3. Ask for it at any time after it is done. Parents should ask for their copy of the <i>Evaluation Report</i> when they need it.
The school will send a copy of the evaluation report with the notice of placement, unless the parent has asked for it earlier.	
The evaluation report will have the reasons why the child does not qualify for special education. It will list the child's educational needs. It will also list other programs that might benefit the child. Information about those programs will be included.	Parents should make sure they understand what the IEP team's report says. They should find out why the child cannot get special education. They should find out what the child needs to learn better. They should work with the school to get whatever help the child needs.
The IEP team will list programs the school has which might help the child and refer the child to those programs. If there are programs or services outside of school that may help the child, the school will list those. Giving information about those programs or services does not commit the school to paying for them. Examples of other programs in the school include Title I or At-Risk. The school will send a copy of the evaluation report to the parents, with a notice that the child is not eligible for special education.	Parents are equal participants on the IEP team. They should give ideas or suggestions for the programs or services their child might need. Parents should ask about services from the school and the community for their child.

Topic	What the Law Says	What the Law Means
INDIVIDUALIZED EDUCATION PROGRAM (IEP)		
WHEN IN EFFECT	REQUIREMENT THAT PROGRAM BE IN EFFECT. At the beginning of each school year, each local educational agency shall have in effect, for each child with a disability, an individualized education program. 115.787(1)	Each child eligible for special education must have a current IEP at the beginning of each school year.
WHO SEES THE IEP	Each public agency shall ensure that: The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and Each teacher and provider [who is responsible for implementing the IEP] is informed of : • his or her specific responsibilities related to implementing the child's IEP; and • the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP. 300.342(b)(2) and (3)	Every one at school who works with the child should be able to see the IEP.
PARENT COPY OF THE IEP	The LEA shall give a copy of the child's individual education program to the child's parents with the notice of placement. 115.787(3) (e)	When the Notice of Placement is given to parents, the LEA must give a copy of the child's IEP to parents.
REQUIRED COMPONENTS	REQUIRED COMPONENTS. An individualized education program shall include all of the following:	The required parts of the IEP are:
Present level of performance	A statement of the child's present level of educational performance, including how the child's disability affects the child's involvement and progress in the general curriculum or, for a preschool child, as appropriate, how the disability affects the child's participation in appropriate activities. 115.787(2)(a)	The IEP must provide information on the child's present level of performance, addressing each area of need. The present level of performance is a clear, descriptive statement of how the child is performing in specific areas of need as found during the evaluation. The statement should include the child's strengths, interests, and needs.
Annual goals	A statement of measurable annual goals for the child, including benchmarks or short-term objectives, related to meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum, and to meeting each of the child's other educational needs that result from the child's disability. 115.787(2)(b)	Each area of need will have a measurable annual goal. For each goal there are benchmarks or small steps to help measure the progress in meeting the goal. Goals are to help the child be part of the general curriculum and meet other educational needs. Goals usually cover what the child can be expected to meet in about one year.

What Needs To Be Done	What Parents Need To Know or Do
The school will make sure that IEP for each child who qualifies for special education services is up-to-date and ready for the beginning of the school year.	Parents should review their child's IEP at the beginning of the school year. They should make sure that all parts of the IEP fit the new school year. If the child has changed in some way that needs a change in the IEP, the parent can ask for a meeting to review the IEP. TIP: Part Three: Problem Solving has many additional ideas for solving problems.
The school should make sure all of the child's teachers and service providers can look at or get a copy of the IEP. The school must make sure all of the child's teachers and service providers know their specific responsibilities for implementing the IEP and what accommodations, modifications, and supports must be provided.	Parents can give copies of the IEP to anybody they want.
The school must give a final copy of the IEP to the child's parents when they send the Notice of Placement.	Parents will get a copy of the new IEP every year. They will get the IEP with the Notice of Placement, unless they ask before that. Parents should keep copies of the IEP in their file, and check it to see if the goals are being met. When parents get their copy of the IEP they should read it carefully. If parents have questions they should call the school. They may ask for a new IEP meeting, if they want to talk about changes.
Schools make sure all parts of the IEP are up-to-date.	Parents make sure all parts of the IEP are up-to-date.
Schools make sure that each area of need has a present level of performance. There are two parts to the present level of performance. The IEP will say how the child's participation in the general curriculum or other activities is affected by the disability. It will also describe how the child performs in both academic and nonacademic areas of need.	Information from the parents is helpful to the school in planning for the child's educational needs. Parents share with the IEP team how the child's disability affects everyday activities such as homework, play, and self care. They can share information about the child's interests and activities. They provide information about the child's strengths. The parents share areas of need. It is also helpful if parents give information about outside services and information from those providers.
The IEP team writes annual goals that the child will likely complete in one year. The goals list some small steps the child will master on the way to the annual goal. The goal will say what kind of change is expected. The goals relate to the child's needs that are due to the child's disability. The goals help the child be in the general curriculum and other activities at school.	Parents will help the rest of the IEP team understand what they expect of their child in the general curriculum and other activities. Parents should come prepared to share what they would like their child to be able to do.

Topic	What the Law Says	What the Law Means
Progress toward goals	A statement of all of the following: • How the child's progress toward the annual goals described in Par. (b) will be measured? • How the child's parents will be regularly informed, at least as often as parents are informed of their non-disabled children's progress, of their child's progress toward the annual goals and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the effective period of the individualized education program? 115.787(2)(h)	The child's progress toward annual goals must be measured. Parents will be told how well their child is moving toward reaching the annual goals at least as often as other children get progress reported.
Special education and related services	A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child to do all of the following: • Advance appropriately toward the annual goals; • Be involved and progress in the general curriculum in accordance with Par. (a) and participate in extracurricular and other non-academic activities; and • Be educated and participate with other children with disabilities and non-disabled children in the activities described in this subsection. 115.787(2)(c)	The IEP must include: An explanation of what special education and related services, extra help and supplementary aids and services will be given to the child or provided for the child. A statement about program changes, or help for school staff that will help the child do all of the following: • Move appropriately toward the annual goal. • Be part of the general education curriculum and learn as much of it as possible, and • Be part of any school activities that any other children do.
Participation in general curriculum	An explanation of the extent to which the child will not participate with non-disabled children in regular classes, in the general curriculum and in extracurricular and other nonacademic activities. 115.787(2)(d)	If participation in the regular class or general curriculum is not right for the child, the IEP must explain why the child would not be part of regular classes or other school activities.
Statewide Assessments DPI BULLETIN # 98.14	A statement of any individual modifications in the administration of any statewide or local educational agency-wide assessment of pupil achievement that are needed for the child to participate in the assessment. If the individualized education program team determines that a child will not participate in a particular statewide or local educational agency-wide assessment of pupil achievement, or part of such an assessment, a statement of why that assessment is not appropriate for the child and how the child will be assessed through Alternate means. 115.787(2)(e)	Usually, children with disabilities will participate in state and district-wide assessments. The IEP says what changes might be needed in how the test is given. It also explains what help the child will have for state tests or school district tests. Most children with disabilities will take the state and district-wide assessments, with or without accommodations. For the few children who cannot take the regular tests, the IEP team must explain why and provide for alternate assessment.
Beginning date, frequency, & duration of services	The projected date for the beginning of the services and modifications described in Par. (c) and the anticipated frequency, location and duration of those services and modifications. 115.787(2)(f)	Each IEP must have a beginning date for the services identified in the IEP. The IEP will say how often each service will happen, where it will happen and how long it will happen.

What Needs To Be Done	What Parents Need To Know or Do
The IEP will include how the school will measure how the child is making progress towards the annual goal. The IEP will also include how the parents will be told about that progress. Parents need to be told at least as often as parents of children who do not have disabilities are.	Parents must make sure they get a report (it doesn't have to be a written report) about their child's progress on the IEP. If they have questions about the report, parents should ask the school staff to explain it in plain language.
The IEP team will decide which special education services and which related services, including modifications, accommodations and other services, the child will need to be part of the general curriculum and other activities and advance toward annual goals. The IEP team decides how the program will be changed for the child and what kinds of help school staff need so the child can: • Make progress toward annual goals; • Have as much success as possible in the general curriculum; and • Be part of the other school activities.	Parents work with the rest of the IEP team to decide what services the child needs. The team's decision is included as part of the IEP.
The IEP team will decide if, when, and why the child will not be in the regular classroom. They will also talk about if, when and why, the child may be pulled out of the regular curriculum and other activities. The IEP team will decide what modifications are needed for the child to succeed in regular classes.	Parents need to understand if, when, and why their child will not be in the general classroom with children who do not have disabilities. Parents also need to understand if, when, and why their child will be in extra curricular and other nonacademic activities.
The IEP team will decide what kind of help the child may need for state and school district tests. The IEP team decides if the child cannot do the statewide tests. They will say why the child will not participate. For those few who do not take the tests, an alternate assessment is provided. After July 2000, alternate assessments will be necessary for those children who cannot take statewide or district-wide tests. Districts must develop alternate tests for children who need it. The IEP says when the services and modifications will begin. The IEP also says how often, where and the amount of those services and modifications.	Parents, as part of the IEP team, help decide what help their child may need to take the district or statewide tests. Parents help decide when alternate tests are necessary. Alternate testing can be different kinds of tests. They might not be written tests. DPI has guidelines for alternate assessments. The school may also have guidelines for alternate assessments. Ask. Parents are part of the IEP team that decides when services begin, where they are provided, and how often they are provided.

Topic	What the Law Says	What the Law Means
Transition	Beginning when the child attains the age of 14, and annually thereafter until the child is no longer eligible for special education and related services, a statement identifying the courses of study needed to prepare the child for a successful transition to his or her goals for life after secondary school, such as participation in advanced placement courses or a vocational education program. 115.787(2)(g)1 Beginning when the child attains the age of 16, or earlier if that is determined to be appropriate by the individualized education program team, and annually thereafter until the child is no longer eligible for special education and related services, a statement of the needed transition services of the child, including, when appropriate, a statement of the interagency responsibilities or any cooperative arrangements between and among persons. 115.787(2)(g)2	Transition planning begins no later than age fourteen. At age 14, transition planning means choosing classes or courses of study and other school activities. Transition planning is part of the IEP every year after that. No later than age 16, the IEP team will make plans for transition services. Transition planning is part of the IEP every year until the child is out of school. Transition planning needs to include a statement about how other agencies in the community will help the child make a smooth transition to the community.
Transfer of rights at age of majority	Beginning at least one year before the child attains the age of 18, and annually thereafter until the child is no longer eligible for special education and related services, a statement that the child has been informed of the parental rights that will transfer to the child on reaching the age of 18... 115.787(2)(g) 3 When a child with a disability, other than a child who has been determined to be incompetent..., reaches the age of 18, all of the following apply: 1. The local educational agency shall provide any notice...to both the individual and individual's parents; 2. All other rights accorded to the individual's parents under this subchapter transfer to the individual; and 3. The local educational agency shall notify the individual and the individual's parents of the transfer of rights. 115.807	When the child is 17 years old, the school will tell the child that next year he or she will be an adult in the eyes of the law. When a child with a disability reaches the age of 18, all rights under special education law go to the adult pupil. Parents and the adult pupil both get notices. The LEA notifies both the adult pupil and the parents of the transfer of rights

What Needs To Be Done	What Parents Need To Know or Do
The IEP team decides which classes and other school activities will help the child become as independent as possible. Transition planning must include the child's preferences and what they would like to do. The school invites the pupil to participate in the meeting. If the pupil does not come, other team members must ask the pupil about their likes, wants, and needs. The IEP team will make plans for the child's transition needs. The school contacts community agencies that might work with the pupil after he/she leaves school. They will invite people from the agencies to the transition IEP meeting. If agencies don't attend, the IEP team must find other ways to meet child's needs. The school invites the pupil to participate in the meeting. If the pupil does not come, other team members must ask the pupil about their likes, wants, and needs.	Transition deals with preparing for life as an adult. Parents and their child tell the rest of the IEP team what the child wants for life beyond high school, so classes and services can be selected. Parents are very important in transition planning. Parents should talk with their child about their likes, preferences, and ideas. Parents may make suggestions for which agencies could be helpful for their child. TIP: Wisconsin Division of Vocational Rehabilitation (DVR) provides job and employment services to adults with disabilities. Call DVR to find out what they can offer young adults. Look in your phone book by county. The child tells what he/she prefers. Students should be encouraged to come to the meetings.
Schools tell pupils and families that at age 18 the pupil is legally an adult. Schools inform adult pupils about their rights under special education law. Schools inform parents about the change. Schools send notices to both adult pupils and their parents.	Some children may need guardianship because of their disability. Guardianship is a legal process. Parents need to consult an attorney for help with the process. Only a court can appoint a guardian. Guardians are appointed for persons who are unable to make decisions about their health, finances and well-being. At age 18, the pupil is legally an adult. Schools send meeting notices and consent forms to both the adult pupils and their parents. Parents should inform the school if they are in the process of filing for guardianship or need more information about it. TIP: Your child's IEP can include instruction so that your child learns how to take on adult IEP responsibilities at age 18.

Topic	What the Law Says	What the Law Means
Extended school year services DPI BULLETIN #96.01	Local educational agency duties. A local educational agency shall demonstrate to the satisfaction of the division that it does all of the following: (b) Makes available a free appropriate public education to children with disabilities as required by this subchapter and applicable state and federal law. 115.77(1m) <i>General</i> 1) ...each public agency shall ensure that extended school year services are available to each child with a disability to the extent necessary to ensure that FAPE is available to the child. 2) The determination of whether a child with a disability needs extended school year services must be made on an individual basis by the child's IEP team in accordance with §§ 303.340-300.351. (b) <i>Definition:</i> ...extended school year services means special education and related services that-- 1) Are provided to a child with a disability i. Beyond the normal school year of the public agency; ii. In accordance with the child's IEP; and iii. At no cost the parents of the child and 2) Meet the standards of the SEA 34 CFR 300.309	The school must give extended school year (ESY) services to children who need it in order to receive a free appropriate public education. ESY is special education and related services beyond the regular school year. The LEA may give ESY services during summer or other long vacations. The LEA must give services that are listed in the IEP. The LEA cannot charge the parent for ESY services. The services must follow DPI rules.

OTHER IEP CONSIDERATIONS

CONSIDER CHILD'S STRENGTHS AND EVALUATIONS	In developing each child's individualized education program, the individualized education program team shall consider the strengths of the child, the concerns of the child's parents for enhancing the education of their child and the results of the initial evaluation or most recent reevaluation of the child. 115.787 (3)(a) The individualized education program team shall do all of the following:	In writing an IEP, the IEP team will take into account the strengths of the child. The IEP team will listen to any concerns the parents have about their child's education. The IEP team will look at information from the latest evaluations of the child.
Behavior	1. In the case of a child whose behavior impedes his or her learning or that of others consider, when appropriate, strategies, including positive behavioral interventions, and supports to address that behavior. 115.787(3)(b)1	If a child has behavior problems that do not allow the child to learn, or do not allow other children to learn, the IEP team must think about what strategies, including positive behavioral interventions, and supports will be used to improve the child's behavior.
Limited English proficiency	2. In the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's individualized education program. 115.787(3)(b)2	The IEP team must consider the special language needs of a child who has difficulties understanding and speaking English. The team must take these needs into consideration when writing the child's IEP.

What Needs To Be Done	What Parents Need To Know or Do
The IEP team decides if a child needs extended school year (ESY) services. ESY is not just for children with certain disabilities. A child may need ESY services one year and not the next. The IEP team looks at all appropriate factors. The IEP team considers whether the child's gains made during the regular school year are threatened if the LEA does not give ESY services. Each child is different. The IEP team should look at: • the extent of the disability; • the extent of the skills lost; • the time needed to relearn skills; • whether parents can help; • how quickly the child learns; • skill just being introduced; • the child's behavior and physical needs; • other resources available to the child and family; • emerging skills; and • other appropriate factors. ESY services are: • to help keep the child ready for the next school year; • given in a variety of places such as home, school, or community; and • sometimes just related services such as occupational therapy or physical therapy are needed. The IEP team writes the ESY services into the IEP.	Parents can ask for extended school year (ESY) services by having an IEP meeting. Parents may want to talk about ESY services with the IEP team. Parents can discuss their child's possible loss of skills. Parents may look at the length of time it takes a child to regain skills after long vacation times from school. Parents may have other information about their child that may help the IEP team.

The IEP team will write down the child's strengths, not just needs, in the IEP. The IEP team will include in the written IEP how the child's disability affects involvement and progress in the general curriculum. The IEP team will look at all of the latest evaluations, and write the child's IEP from that information.	Parents should be part of planning their child's educational program. They should ask questions and make suggestions.
The IEP team will look at what affects a child's behavior. The school will examine if the behavior prevents other children from learning. The IEP team will plan and direct how they will manage a specific behavior. The IEP team will develop a positive behavior plan to teach the child strategies to manage his or her behavior positively.	Parents have important information about the child. They should talk with the IEP team. Parents may have good ideas about what makes a child behave in a certain way. Parents may have good ideas about how to help the child learn new behaviors.
The IEP team must look at the special language needs of each child when writing a child's IEP.	If parents do not speak or understand English very well, they have the right to have an interpreter or translator so they can be equal partners on the IEP team. If the child does not speak or understand English well, the parents should make sure the school knows this. The IEP team will make sure the special language needs are in the IEP.

Topic	What the Law Says	What the Law Means
Braille DPI BULLETIN #98.04 Communication Needs	3. In the case of a child who is visually impaired, provide for instruction in Braille and the use of Braille unless the individualized education program team determines, after an evaluation of the child's reading and writing skills, needs and appropriate reading and writing media, including an evaluation of the child's future needs for instruction in Braille or the use of Braille, that instruction in Braille or the use of Braille is not appropriate for the child. 115.787(3)(b)3 4. Consider the communicative needs of the child, and, in the case of a child who is hearing impaired, consider the child's language and communicative needs, opportunities for direct communications with peers and professional personnel in the child's language and communicative mode, academic level and full range of needs, including opportunities for direct instruction in the child's language and communicative mode. 115.787(3)(b)4	If a child is visually impaired the IEP team must look at providing instruction in Braille and the use of Braille. The IEP team will decide after testing of the child's reading and writing skills, looking to see if the child needs, or would benefit from special reading and writing media, or would have needs in the future for learning and using Braille. If the IEP team decides it is not appropriate for the child it must state that in the IEP. The IEP team must consider the communication needs of the child. If a child is hearing impaired, the IEP team must consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel. These needs must address the child's language and communication mode. The IEP team must consider the child's academic level and full range of needs, including opportunities for direct instruction in the child's language and mode of communication.
Assistive Technology	5. Consider whether the child requires assistive technology devices and services. 115.787(3)(b)5	The purpose of assistive technology and assistive technology services is to make sure the child gets a Free Appropriate Public Education (FAPE). The IEP team must decide if the child needs assistive technology devices and services in their regular education classrooms or special education settings.
REVIEW AND REVISION	REVIEW AND REVISION. (a) the individualized education program team shall do all of the following: 1. Review the child's individualized education program periodically, but at least annually, to determine whether the annual goals for the child are being achieved. 2. Revise the individualized education program as appropriate to address all the following: a. Any lack of expected progress toward the annual goals and in the general curriculum.	The IEP team must reexamine and change a child's IEP from time to time, at least once a year. The IEP team must decide if the child's annual goals are being accomplished. The IEP team must look at all of the following and revise if appropriate: The IEP team must see if the child is not making progress toward achieving the annual goals, including progress in the general curriculum.

What Needs To Be Done	What Parents Need To Know or Do
The IEP team must look at the need for providing Braille instruction and to teach the use of Braille to a child who is visually impaired. The IEP team will test the child's reading and writing skills. The IEP team will determine if the child would benefit, now or in the future, from the use of Braille. If the IEP team does not feel it is appropriate, they must write why it is not in the IEP.	If the child is blind or visually impaired, the parents should talk with the IEP team about Braille and Braille instruction. Tip: Assistive Technology is an important topic. Parents may call PEP-WI at 1-800-231-8382 to get information. Information is also available from the Wisconsin Assistive Technology Initiative at 1-800-991-5576. CESAs also have Assistive Technology staff.
The IEP team must look at the communication needs of the child. If the child is hearing impaired the IEP team must consider the child's: • language; • communication needs; • opportunities for direct communication with peers and professional personnel; • language and communication mode; • academic level; • full range of needs; and • opportunities for direct instruction in the child's language and mode of communication.	Sometimes children have special communication needs. Parents should tell the IEP team about how their child communicates best with friends and family. They should help the IEP team understand how the child communicates with others. If the child is deaf or hearing impaired the parent and IEP team should look at what the child needs for communication.
The IEP team talks about any device (from a simple pencil grip to computerized equipment) that may help the child learn. The IEP team may get information from a specialist to help them with the child's needs. The IEP team talks about and chooses services to help the child get and use assistive technology devices. For example, the IEP team would talk about: evaluating the child in the child's learning setting, getting equipment, and choosing, customizing, and repairing devices. They would talk about providing training on using the device, too.	The IEP team must talk about using assistive technology. Parents can tell about the child's skills with knobs, switches, computers, etc. They can tell the IEP team about what the child can do at home and in the community.
The IEP team must meet together to look at a child's IEP from time to time, at least yearly, to decide if the child is making progress in his or her annual goals. The IEP team looks at all of the following and rewrites the IEP if appropriate: The IEP team must look at the child's IEP to see if there has been any area where the child has not made gains, which includes the regular education setting.	The IEP team must meet at least once every year to revise the IEP. Parents must be given a report on how well their child is reaching IEP goals at least as often as other children get report cards. Parents can ask the IEP team to change the IEP if needed. The IEP team will meet to talk about the changes. As a member of the IEP team, parents help to rewrite the IEP. They should tell the IEP team about changes in their child. They should help the IEP team to know what needs to be worked on for the next school year. Parents can ask questions and bring suggestions to the team.

Topic	What the Law Says	What the Law Means
	b. The results of any reevaluation... c. Information about the child provided to or by the child's parents... d. The child's anticipated needs e. Other matters. 115.787(4)	In reviewing and rewriting, the IEP team must consider the results of any other information provided to them by anyone, especially the parents. The IEP team must consider the results of reevaluation information. The IEP team must see if there are any new needs expected within the coming year. The IEP team must look to see if anything else needs to be in the IEP.

Placement

	EDUCATIONAL PLACEMENTS. Each local educational agency shall ensure that all of the following occur:	The LEA must insure that all of the following happen:
Evaluation	1) An evaluation is conducted...before special education and related services are provided to a child with a disability. 115.79(1)	A child must be found to have a disability and need special education and related services through an evaluation process to receive services.
Implement IEP	2) An educational placement is provided to implement a child's individualized education program. 115.79(2)	Special education services are provided to meet the needs in the IEP. The IEP is implemented as soon as possible.
Least Restrictive Environment	2) To the maximum extent appropriate, a child with a disability, including a child receiving publicly funded special education in a public or private institution or other care facility, is educated with non-disabled children 3) Special classes, separate schooling, or other removal of a child with a disability from the regular educational environment occurs only when the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. 115.79 A child with a disability is not removed from education in age appropriate regular classrooms solely because of needed modifications in the general curriculum. 300.552 (e)	Most children with disabilities should be educated in the regular classroom with nondisabled children their own age. The IEP team must talk about modifications, if needed, to the curriculum in the general classroom. Children with disabilities can be removed from the regular classroom when the child's needs are so great that they cannot be met in the regular classroom even with extra help. The IEP team must consider the school which the child would attend if the child did not have a disability. The IEP team is not required to keep the child at the "neighborhood school." A school cannot remove a child from the regular classroom just because the child needs to have the curriculum modified.
CONSENT FOR PLACEMENT	Informed parent consent must be obtained before— ii. Initial provision of special education and related services to a child with a disability. 300.505(a)	Before the school can start special education for the first time, it must get consent from the child's parents.

What Needs To Be Done	What Parents Need To Know or Do
The IEP team must look at information the parents provide. The IEP team must look at any current information that is available to them regarding the child's IEP. The IEP team must look at reevaluation information. The IEP team must look to see if there are any new needs that must be addressed.	TIP: Here's information you can bring: • Do you know of anything that needs to be looked at in your child's IEP? • Is there anything new that needs to be added? Do you know of anything that needs to be worked on for the coming year?
	Parents are an important part of the placement decision. They should ask for an explanation of all evaluations done before placement is offered.
For a child to receive special education services the IEP team must determine that the child has a disability that needs special education and related services.	See also: Evaluations. See also: Independent Educational Evaluations (Part Two)
The school provides parents with a written IEP at the time they offer a notice of special education placement.	Parents will get a copy of the IEP no later than 30 days after the IEP meeting. They should read it carefully.
Schools see that a child attends the school and class he/she would attend if not disabled, as much as possible. If the child has a need that can only be met at a different location, then placement in that location may be appropriate. A child is removed from the regular class only when the child's needs are so great that they cannot be met in that setting even with extra help. The IEP team makes sure needed curriculum modifications for the child are listed on the IEP.	The IEP team will decide where the child will get the services listed in the IEP. Most children with disabilities are in the regular classroom with their peers for all or part of each day. Most children with IEPs should go to school in the same building as they would if they did not need special education. Parents should talk with the IEP team about what type of place would be best for their child. They may want to think about their child going to after-school or out-of-school activities. This will help the IEP team decide where the child should go to school. Parents need to understand what the curriculum modifications are.
The school sends a notice to the parents and asks for consent for placement before it starts special education. After special education is started, the school does not get consent again.	Parents should give consent if they agree with the special education services to be provided. If they do not want their child to have special education, they should refuse consent. The school may ask for mediation or a due process hearing to be able to start special education.

Topic	What the Law Says	What the Law Means
Reevaluation		
REASONS FOR REEVALUATION	A local educational agency shall ensure that the individualized education program team does all of the following: 1) Evaluates a child with a disability in accordance with this section before determining that the child is no longer a child with a disability; and 2) Reevaluates a child with a disability in accordance with this section if the local educational agency determines that conditions warrant a reevaluation or if the child's parent or teacher requests a reevaluation, but at least once every 3 years. 115.782(4)(a)2	Reevaluation by an IEP team must take place before removing a child from special education. The school reevaluates the child at least every three years. A parent or teacher may ask for a reevaluation any time. Reevaluation does not always mean giving tests. The IEP team reviews existing information and decides if new tests are needed.
CONSENT	The local educational agency shall obtain informed consent from the child's parent before reevaluating a child with a disability, except that such consent need not be obtained if the local educational agency has taken reasonable measures to obtain such consent and the child's parents have failed to respond. 115.782(4)(b)	The school must get the parent's informed written consent before any new testing is done. The school can go ahead with the testing if a parent does not respond to the request for consent. The school must show that they tried to get the consent from any parent who doesn't return the consent form.
IF TESTING IS NOT NEEDED	If the [IEP] team and other qualified professionals, as determined by the local educational agency, find...that no additional data are needed to determine whether the child continues to be a child with a disability, the local educational agency shall notify the child's parents of that finding and the reasons for it and the right of the child's parents to request an assessment to determine whether the child continues to be a child with a disability. The [LEA] is not required to conduct such an assessment unless the child's parent requests it. 115.782(4)(c)	Reevaluations must be done at least every three years. The IEP team, which includes the parent, decides whether or not more testing is needed. The school must tell the parents, in writing, about this decision. If the IEP team decides no additional testing is needed, they must also explain why they decided not to do the testing in their letter to the parents. Parents still have the right to have additional testing in a reevaluation, if they think it is needed.

What Needs To Be Done	What Parents Need To Know or Do
The school will send a notice about the reevaluation. The IEP team reviews existing information and decides if new testing is needed. The notice will say why the reevaluation is needed. Reevaluations happen: 1) if the parents or teacher asks for a reevaluation; 2) for a regular 3-year reevaluation; and 3) when school staff thinks the child no longer qualifies for special education.	If the parent thinks the child does not need special education any more, they should ask for a reevaluation. They should write why they think the child does not need special education. If the child's needs change, parents can ask for a reevaluation. The IEP team will do a reevaluation. Parents are equal partners on the IEP team. The IEP team decides when a child no longer needs special education. The school will have 90 days to do the reevaluation and plan services for the child. (See also: 90 day timeline)
The school must get parent consent to do testing to determine if the child continues to be eligible for special education. If the parents do not respond to the request for consent, the school may go ahead with the testing.	The school must get the parents' consent before doing any new testing. If parents agree to the reevaluation, they should sign the consent. If they have questions about it, they should ask at the school. If the parents say, "No, we do not want new testing," the school may ask for mediation or a due process hearing to allow the testing.
The school will notify the parent if the IEP team decides that testing is not needed as part of the reevaluation. See also: Evaluation Procedures	Sometimes the IEP team will feel more testing is not needed. Then, the school must tell the parents why. The parents still have a right to ask for testing to be done. They should ask for testing in a letter. The 90 day timeline starts when the school sends the parents a written notice that the reevaluation process is starting.

Part 2: Other School Choices

Introduction

Parents can make decisions about where their child goes to school. School districts may choose to place a child in a school that they feel best meets the child's needs.

There are several choices other than traditional public school.

Charter Schools

A charter school is a public school. It is tax supported and it must follow the IDEA. Student selection in a charter school may depend on the focus of the school. For example:

- A charter school that focuses on advanced academics will select students who can be successful in that program.
- A charter school that focuses on vocational education will select students who want to learn to do a specific job the school teaches.

In each case, the charter school must accommodate any student with disabilities who can do the program.

LEA Placement in Private Schools

Sometimes a child's needs are so great or so unusual that the LEA cannot meet them. Then the IEP team may decide to send the child to a private school that specializes in that child's needs. The school must meet DPI requirements.

The IDEA is followed in providing special education and related services for the child. The IEP and all other parts of the special education process are followed.

The LEA pays for the private school and any related expenses such as transportation from the child's home to and from the private school. The LEA is responsible for making sure the child's IEP is being carried out correctly.

Parent Placement in Private School

Parents may decide that a private school will meet their child's needs best. A private school is a school that is not tax supported. A private school can choose the students who attend the school. Private schools do not have to follow IDEA.

Parents have a right to choose to send their child to a private school. If parents choose to send their child to a private school, there may be no special education services from the district or they may be limited. The district must offer FAPE in the public school but the child does not have an individual right to special education or related services in a private school. In consultation with representatives of private school children, the district decides what services it will provide, which children will be served, and how and where they will be served. The services are described in the district's *Special Education Plan*. Each private school child being served by a district also has a *Services Plan* that lists any services the district will provide (transportation, speech, etc.). See DPI Bulletin 99.07 for more information.

What If Parents Disagree?

If parents disagree with the child's Services Plan, they cannot use a due process hearing or mediation to solve the problem. If parents disagree with the child's evaluation or eligibility decision, they can request mediation or a due process hearing to solve the problem. If parents believe the LEA broke the laws relating to private school children, they may file a written IDEA complaint with DPI. Parents can also use the informal methods of solving problems described in Part Three: Problem Solving.

**District Pays
For Private
School If FAPE
Not Provided**

If a child was enrolled in special education in the district, and if parents decide to send the child to a private school, because they think the district did not provide FAPE, a hearing officer or a court can look at the situation and may require the district to pay for the child to go to the private school.

**Homebound
Schooling**

The district will provide homebound schooling for any child with a disability who cannot go to school because of medical problems. For example, a child needing a long recovery time after surgery or a child whom is very weak due to chronic illness may receive homebound schooling. Homebound schooling is not intended as a way to simply keep children with behavior problems out of school.

**Home-based or
Home Schooling**

Home-based schooling, or home schooling, is a parent choice to educate the child at home. If the district gets a written referral for a home-schooled child with a suspected disability, they must accept the referral and evaluate the child. If the child is found to be a child with a disability, the school must make free appropriate public education available in the public school.

If parents decide to keep the child in home-based schooling, the district has no responsibility for providing any education services. However, a school district must allow a child in a private school or in a home-based education program to take up to 2 high school courses each semester if:

- the child is a resident of the district;
- the child meets the standards for high school; and
- the school board decides there is enough space in the classroom.

Child Find

The district is required to identify children with disabilities in private schools, including religious schools. So, any child suspected of having a disability could be referred to the LEA for evaluation. The LEA will gather an IEP team including staff from the public and private schools, parents, and others.

Part 3: Problem Solving

Introduction

Parents and schools have a “built-in” partnership with the child as the focus. This partnership will grow when parents and school staff work together. Disagreements may happen, but disagreements can also help to make the child’s education better. Disagreements that get solved happily make the parent/school relationship stronger.

First Steps

Parents and school staff can work together using informal ways to solve problems.

1. Talk directly to the person with whom there is a disagreement. Call or visit the parent, teacher, aide, or other school staff person.
2. Use words that clearly tell the problem. Be specific. For example, say “Susie needs to ask her homeroom teacher to sign her assignment book every day before she leaves school” instead of saying “Susie needs to be more responsible.”
3. If talking with the person directly does not work, ask for a meeting with that person’s supervisor. For example, if a parent disagrees with a teacher, the parent can ask for a meeting with the teacher’s principal to talk about the problem.
4. Keep all the papers from the school organized. Make a new folder for each school year. Use the folder to keep the IEP, school letters or notices, report cards, notes to the school or from the school, or any papers you sign. Parents should make copies of all letters or notes they send to the school or sign and return. Parents can also take notes when they visit the school or talk with school staff. Parents can keep the notes in their personal file for later reference.
5. To be absolutely sure the right person gets the papers, send it by certified mail.
6. Any time there is a school meeting to change the IEP, the parents need to be invited.
7. IEP team participants can bring along other people who understand the child, the child’s disability, or the problems. Often, these people can offer support and can take notes during meetings.
8. State and federal laws do not address tape recording IEP team meetings. A school may require, prohibit or limit the use of a tape recorder. If the school prohibits or limits tape recording, the school’s policy must include an exception if taping is necessary for the parents to understand the process or to implement their rights. Parents wanting to tape record IEP team meetings can ask for a copy of the school’s policy.
9. Parents and school staff can get help or information to solve problems or disagreements from: Wisconsin Department of Public Instruction (800/442-4563), from the Parent Education Project of Wisconsin (PEP-WI) (414/328-5520), or from other parent or advocacy groups. See the list in Part Five of this book.
10. Parents and school staff can get a copy of “Solving Problems and Resolving Disagreements” from the Parent Education Project, or can ask other parent groups for information on preventing and solving problems.

Next Steps: What can you do if informal ways of solving problems don’t work?

You can use one or more of the formal problem solving methods. Schools must tell parents about these formal ways to solve problems:

- Independent Educational Evaluations (IEEs),
 - mediation,
 - state IDEA complaints, and
 - due process hearings.

These formal ways to solve problems can help the school and the parent to talk together. Schools and parents should try all the informal methods first and should use the formal methods if the informal methods don’t work.

Before using any of these formal problem-solving methods, you should understand how they work and with which types of problems they work best. Other parts of this book give information about independent educational evaluations, special education mediation, state IDEA complaints, and due process hearings. See also: Part One.

Before using these formal problem-solving methods, many parents find it helpful to talk to someone at the Parent Education Project or someone with another support group. Check the list of resources in the back of this book. Help is often free of charge.

Independent Educational Evaluation (IEE)

(34 CFR 300.502)

DPI Bulletin No. 99.02

An evaluation done by qualified people outside of school is called an independent educational evaluation, or IEE. If the parents do not agree with the evaluation and testing done by the school district, they can request that the school pay for an IEE.

The district must tell parents where they can get an IEE when the parent asks. The school also must tell the parents about the school's IEE criteria. Parents can pick who will do the IEE, but the people who do the IEE must be at least as qualified as the person doing the testing for the school. Districts can set up policies or criteria for IEEs. The school's criteria can say who can do IEEs and where IEEs can be done. The criteria must be the same as what the district uses when it has its own evaluator do evaluations.

When the parents disagree with the school's evaluation, the district pays for the IEE, so there is no cost to the parent. In fact, when a parent asks for an IEE (in writing is best) at district expense, the district has two choices. The district can either pay for it or file for a due process hearing to argue either that the original evaluation was appropriate or that the IEE did not meet the criteria of the law.

If the district goes to a due process hearing and the hearing officer says the district is right, the parents may still have an IEE done, but then the parents pay for it.

No matter who pays for an IEE, parents can bring the results to the IEP team. The IEP team must talk about the results of the IEE as it makes special education decisions.

Parents can also use the results of an IEE they paid for in a due process hearing. If a hearing officer orders an IEE as part of a due process hearing, the district must pay for it.

Mediation

(Wis. Stat. 115.797)

DPI Bulletin # 98.07 and # 97.09

Special education mediation can be used to solve problems about special education. Mediation involves a mediator, who helps parents and districts solve problems in a private setting. The mediator does not make a decision for the parents or the district. The mediator helps the district and parents work together to look at the problem, make choices, and make a solution. The goal of mediation is a written agreement. Mediated resolutions must be consistent with the law.

Mediation can help solve disagreements about whether or not the child has a disability, evaluation and testing, placement in special education, free appropriate public education, or any other special education issue. Parents, the district, or both together can ask for mediation at any time. If only one asks for mediation, the other one gets a notice in writing within five days. The notice will explain mediation and why it is helpful. It will explain that mediation is free for both the district and the

parent. Both the district and the parents must choose to use mediation. If one chooses NOT to use mediation, that choice will not change any future due process hearings. Both the district and the parents have five days after they get the notice to tell DPI if they are going to use mediation.

Mediation is voluntary. If mediation is not working, either the parents or the district can end it. If the district or the parents don't like how mediation is going, they can say, "Stop." Also a mediator may withdraw from mediation at any time.

The mediation process must start within 21 days after a mediator is named, unless both the parents and the district agree to another timeline. Mediations are usually held in the local community, usually in a school building. If the parents feel they need a different place, they should suggest one. Parents can have their child or adult pupil attend the mediation meeting. Schools will send two representatives. If the parents and the district both agree, other people can also come to the mediation meeting.

During the mediation process, the mediator may want to talk to the parents or the district alone in a private meeting. Either the parents or the district can ask for a break in the meeting if they want to talk to the mediator privately. The mediator cannot tell what was talked about in the private meeting unless the people in the private meeting agree. Parents and districts are also allowed to ask for a break to talk to advisors or attorneys (either at the same place as the meeting or by phone) to get additional advice. Sometimes the mediator might tell the parents or the district to get additional advice.

Unless the parents and the district and the mediator agree to it, no one can record a mediation session. What is talked about during the mediation session is confidential and can not be used in later hearings or in a later lawsuit. Before mediation begins, the mediator may ask both the parents and the district to sign a paper promising to keep the discussions private.

If the district and the parents reach an agreement through mediation, it is written down. The agreement is then legally binding, like a contract. Both the parents and the district sign the agreement. They both agree to do what the agreement says. The agreement should tell what will happen if either the parents or the district don't do what they have agreed to do. The parents and the district get a copy of the written agreement.

Mediation cannot be used to deny parents their due process rights or to delay a due process hearing. In fact, a request for a due process hearing can be filed at the same time as a request for mediation is filed. For more information, contact the Wisconsin Special Education Mediation System at 414/288-1425.

State IDEA Complaints

(34 CFR 300.661)

Parents can use a state IDEA complaint when they think the school has not followed special education law. Districts must tell parents about their right to file an IDEA complaint. Any person (parent, teacher, and other people) or organization can file a state IDEA complaint. An individual or organization must file the complaint within one year of the alleged violation. DPI may decide a longer period is reasonable if the violation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more than three years prior to the date of the complaint.

A state IDEA complaint says, "I believe the district has violated special education law." A state IDEA complaint must be in writing and must tell the facts about how the law might have been broken. The Department of Public Instruction must investigate the complaint. Generally,

DPI will look at records and talk to people by phone. If necessary, DPI staff will visit the school.

DPI must make a decision on the complaint within 60 days of getting it. DPI's decision will tell the facts, will list the laws that may have been broken, and will then tell whether or not the district has broken the law(s). Sometimes, DPI will extend the 60-day limit to finish the investigation.

If you file a state IDEA complaint and request a due process hearing on the same issues, DPI will not investigate the issues until the hearing and any appeals are over. The decision in the due process proceedings will be binding. If you and the school decide on mediation, DPI may extend the investigation of the state IDEA complaint until the mediation is over, if you and the school agree to the extension. You may withdraw your state IDEA complaint at any time before DPI makes a decision.

If DPI finds that a district did violate the law, the district must make a plan to fix the problem. This is called a Corrective Action Plan, or CAP. If the person filing the complaint wants to know what is in the CAP, request a copy from DPI.

To find out more about filing a state IDEA complaint, call PEP-WI at 414/328-5520 or talk with another parent group. Check the back of this book for a list. Or call DPI at 608/266-1781 or 800/441-4563 for help in filing a state IDEA complaint.

Complaints must be in writing and signed and should be sent to:

Assistant Superintendent
DPI Division for Learning Support: Equity and Advocacy
PO Box 7841
125 S. Webster St.
Madison, WI 53707-7841

Due Process Hearings

(WI Ch. 115.80)

DPI Bulletin # 98.12 and 96.05

A due process hearing is a legal process used by parents and districts to solve problems. It is usually used when every other attempt to solve the problem has failed. Due process hearings can be used for problems with evaluations, IEPs, educational placement decisions, or FAPE (free appropriate public education). Schools may file for a due process hearing against a parent if a parent refuses to give consent to evaluate or consent for the district to provide special education. The district can also file for a due process hearing if it feels it should not pay for an IEE. Parents may file a request for a due process hearing against a school on any issue related to the IEP process or FAPE. A parent must file a request for a due process hearing within one year of the date the district notified the parent of a decision.

Schools must tell parents how to ask for a due process hearing. Parents can also call DPI at 608/266-1781 or 800/441-4563 to ask for a form. They would fill out the form and send it to DPI. The form will ask for information on the problem and will ask for ideas to solve the problem.

When DPI receives a request for a due process hearing, a hearing officer is named from a list. The school cannot ask for a specific hearing officer; neither can the parents.

Schools usually have lawyers representing them at due process hearings. Schools can use experts from the school or can use any other expert to support the school's side.

Parents may use a lawyer to represent them and their child at a due process hearing, or they may represent themselves at the hearing. Parents will usually do better if they have a lawyer. DPI will send parents a list of agencies who may provide a free or low-cost lawyer. Parents can also use experts to help support their case.

The due process hearing includes witnesses, questioning and cross-examination, and presentation of evidence by both sides. At least five business days before a hearing, each side must tell what information they are going to present in the hearing. The hearing officer may subpoena and swear in witnesses. The hearing officer will direct the hearing and will decide how the hearing will be done. The hearing officer does not have to use statutory or common law rules of evidence. He or she allows all reasonable testimony and will not allow talk about topics that have nothing to do with the disagreement. The hearing officer will use facts, the law, and the evidence to make a decision on the case.

The hearing officer has the power to order any solution to the problem that is reasonable. After getting the request for a hearing, the hearing officer has 45 days to give a decision. The hearing officer can give extensions for specific amounts of time for either side if there is a good reason.

The district pays for the due process hearing. Parents pay for their own attorneys and, if the parents win the case, they can request from a court that their attorney expenses (and other reasonable costs like travel or expert witness fees) be reimbursed by the school. There are some limits, so parents should work with a lawyer that understands special education.

The hearing officer's decision is final and binding unless appealed. If either side does not agree with the hearing officer's decision, they can file for a civil action (lawsuit) in the circuit court (state court) where the child lives, or in a U.S. district court (federal court). Actions in state court must be filed within 45 days of the hearing decision. While federal law does not set a specific limit, federal courts will often "borrow" the time limit from state law. The court makes a decision based on the evidence. The decision of the hearing officer and the hearing officer's report is part of the evidence.

Stay-Put Rule: What happens to the child while the hearing is going on?

The school and the parents both have the responsibility to make sure their child's education is not interrupted while the hearing is going on. Unless the parents agree to it, the school cannot change the child's educational placement while the hearing is going on. This is called the "stay-put" rule. Parents and the district may agree to a new placement if they think that's what is best for their child. If the issue involves the child's first admission to school, the child, with the parents' consent, must be placed in the school until all proceedings are over.

If a hearing officer's decision agrees with the parents that a change in placement is appropriate, the child must "stay put" in the placement decided by the hearing officer until the end of any appeals. Situations involving weapons or illegal drugs at school and placement in an Interim Alternative Educational Setting have special rules. See Part Three for additional details.

PART 4: SPECIAL EDUCATION, BEHAVIOR, AND DISCIPLINE

I. Introduction

In all of special education, behavior and discipline are two of the most challenging areas. It is a part of special education law that is still becoming clearer. Behavior issues are dealt with in many state and federal laws. That is why this part does not say which laws are being used. That is why the whole part should be read.

If the IEP team cannot agree on something, participants should first use informal methods of problem solving and then use formal methods.

II. Prevention

Most legal problems around special education and discipline can be prevented. Parents and districts can work together as a team to:

- prevent behaviors from becoming problems;
- make and use good IEPs that help the child learn new behaviors;
- give children the level of services they need to succeed in learning new behaviors;
- place children so that their behavior does not interrupt their own or other children's learning.

How to prevent behaviors from becoming problems:

All children, including children without disabilities, sometimes misbehave or have problem behaviors that get in the way of their own learning or that of their classmates. Children with disabilities, like all children, sometimes make bad choices or do things that break the rules. For many children with disabilities, it makes sense to use the regular classroom rules and consequences to help teach appropriate behavior. However, for some children, this is not enough.

If a child's behavior keeps interrupting his or her own learning, or the learning of other children, schools and parents can work together to make changes. If the district or parents think a child *might* behave in a way that interrupts learning, they can work together to make plans to prevent or avoid the behavior and to help the child learn other ways of acting. Documenting behavior is an important step in helping to problem solve, coming up with positive solutions for the student.

When an IEP team meets, the district and the parents should talk about behavior if it is one of the child's needs. The law does not require that every child with a disability have a *behavioral intervention plan* but some experts say it is a good idea to have a behavior plan in the IEP if it is likely that a child's behavior will become a problem.

Behavior plans are like tools. They can be used by the school to help the child learn better ways of behaving. Behavior plans are usually used for behaviors that the child is already doing, or tends to do. The IEP team can create a behavior plan that helps the school to:

- understand the meanings of the behaviors,
- understand what might cause the behaviors to happen, and
- understand how to respond to the behavior so that the child can learn a better behavior.

Functional behavioral assessment (DPI BULLETIN 00.01)

For many children with behavior problems, using the common strategy of consequences for misbehavior does not seem to work. Then, the IEP team can use a process called *functional behavioral assessment* (FBA) to try to understand the child's behavior. Districts either have someone who understands functional behavioral assessment or can locate someone to help them learn how to do it. Functional behavioral assessment is not hard to learn to do.

A functional behavioral assessment will try to look at each problem behavior to figure out when, where, and why it is occurring. The person or people doing the FBA will probably want to observe the child, interview parents and teachers, and investigate all the places and times when the child's behavior occurs.

When a district uses an FBA to take a closer look at the child's behavior, they will be trying to find an answer to the question, "What function does this behavior have for this child?"

Experts say there are only two answers to that question. All behaviors either:

- get something (attention, sensory stimulation, status, rewards, power), or
- escape or avoid something (pain, boredom, anxiety, fear, someone not liked).

A good FBA will look beyond what the behavior IS to what the behavior DOES for the child. A good FBA will:

- look at the places or situations where the behavior happens,
- look at the events that happen just before it and just after it,
- look at how the child is feeling (angry, tired, thirsty, anxious, including side-effects of medication), and
- try to find out what events, times or situations predict the behavior and will tell what happens after the behavior occurs.

A good FBA will lead to answers to two important questions:

1. What will cause the behavior to happen?
2. What will cause the behavior to NOT happen?

Behavioral Intervention Plans: Teaching Alternative Behaviors (DPI BULLETIN #00.01)

Any IEP team can address behavior. It is by far better to deal with behavior issues as early as possible to prevent problems later. An IEP team can make a behavioral intervention plan using the information from a functional behavioral assessment. A behavior plan does not excuse a behavior. It provides the school with a carefully thought out action plan so that when the behavior does occur, teachers and others will know how to act to decrease the behavior and teach a better alternative behavior.

An IEP team can use the information from the functional behavioral assessment to make a plan to teach alternative behaviors which have the same function as the problem behavior. A positive behavior plan does not simply list the consequences. It also plans for teaching the child alternative behaviors while reducing the problem behavior.

Here are the steps of a basic positive behavior plan. The goal is to reduce or eliminate the problem behavior.

- What is the function (cause) of the behavior? (A functional behavioral assessment will give a lot of information to answer this.)
- What behavior do we want to teach this child to replace the problem behavior? The replacement behavior MUST have the same function for the child.
- What will the teacher (other person) do to prevent the problem behavior? (Again, the functional behavioral assessment will give information on this.)
- What will the teacher (other person) do when the child exhibits the CORRECT or alternative behavior in any situation? (Positive reinforcers and taking away something that acts in a negative way)
- What will the teacher (other person) do when the child even THINKS about doing the problem behavior in an everyday situation?
- When and how will the teacher (other person) practice teaching the replacement behavior?

Behavior Goals in the IEP

For many children, behavior can be a part of the IEP just like any other subject area. The IEP team can use the present level of performance, annual goals, objectives, and specific services to help the child learn appropriate behaviors in the same way they can help the child learn other things. The goal must tell:

- a. When? (how long until the child has reached this goal? A week? A year?)
- b. What needs to be happening for the child to do this behavior? ("when on the playground," "when asked by his teacher," etc)
- c. Which behavior? ("will begin to comply with the instructions," "will step away from his peers", etc.)
- d. To what specific level? ("in all small and large group settings," "for three days in a row," "8 out of 10 times," etc.)

Here are some examples:

- In 18 weeks, when teased by his peers, Robert will walk away from the situation across all times and settings in school.
- In 30 weeks, during all classroom activities that need turn taking, Josephine will wait her turn 8 out of 10 times, for three days in a row.

After the IEP team writes the goals, they write objectives for each one. Objectives can be seen as steps along the way to the goal.

Then, when the IEP is implemented, the teachers teach the child the skills needed to reach each objective and each goal.

The IEP Team's Job in Dealing with Behavior

For many children, frustration or boredom leads to behavior problems. If a child has a good IEP which meets his or her individual needs and is helping him or her to learn and succeed, many behavior problems can be prevented. If any member of the IEP team feels that the IEP is no longer working, he or she can ask the IEP team to come back together to make changes to the IEP.

When a good IEP is matched with a good, appropriate placement of services, a child's opportunities to learn are greatly increased. The child's opportunities for problem behavior are often decreased. If a child has continual behavioral problems that keep the child or other children from learning, the IEP team should ask these questions:

1. Is this IEP working? Is it meeting this child's special needs?
2. Is this IEP being implemented? If not, what do we need to change?
3. Is this child getting all the services he or she needs to learn? If not, does the IEP team need to add or change some?
4. Is this child's placement (classroom or learning situation) a good fit for the child's needs?
5. Will a functional behavioral assessment help the IEP team to understand the behavior and develop a good behavior plan?

The IEP team can use information from an FBA to develop a positive behavior plan. The IEP team can also talk about changing the services a child needs, changing the placement or learning situation, or changing the IEP to better meet the child's needs.

III. When a Problem Occurs

Children with disabilities have many protected rights. One of them is the right to participate in the least restrictive environment, learning alongside peers without disabilities, as much as possible. For many children with disabilities, the IEP team will decide that it is appropriate for the child to have the same consequences for behavior as any other child in the school. Some IEP teams will put this into the IEP. Most

children with disabilities are able to understand and follow the same school rules as their peers without disabilities. They have the same legal protections as every other child.

TIP: Address behavior problems with the IEP team when they occur to avoid more serious problems later.

A school is responsible for keeping children and others safe, while protecting the rights of individual children. If any child is acting in a way that is dangerous for others, or for the child, it is the school's first job to deal with the danger and keep people safe. Special education law cannot interfere with school safety. Schools may use a variety of punishments or consequences for breaking rules. A child with a disability can receive the same consequences or punishments as other children with only one exception: long term exclusion from education (see below). However, state law has some restrictions. For example, in Wisconsin, it is illegal to use corporal punishment to discipline a child in school. "Corporal punishment" includes punishments like paddling, slapping or making a child stay in a painful position, when used as a means of discipline. This is true for all children, not just those with disabilities.

TIP: Starting in 1999, Wisconsin law requires schools to implement a Code of Classroom Conduct. The code cannot go against special education law. Parents should ask their district for a copy of their Code of Classroom Conduct and review it when writing the IEP behavior plan.

TIP: Wisconsin's Department of Public Instruction has created an internet site that lets teachers and parents find out what the district can and cannot do when a child with an IEP might be suspended or expelled. You can use it for free. Go to: <http://www.dpi.state.wi.us/een/index.html> and click on the Disciplinary Advisor.

The IEP team should talk about possible behavior problems. They should also discuss whether or not the regular consequences in the school's or classroom's policy have meaning for the child.

TIP: Punishment alone generally will not solve the problem. It only tells the child what *not* to do. It does not tell the child *what to do*.

When a problem with behavior occurs, a good first step is to call the IEP team back together to talk about it. The IEP team can take action to prevent a repeat of the problem using behavior planning, functional behavioral assessment, IEP revision, change of services, or change in placement. As always, the parents are equal partners in the discussion. If disagreements occur, first informal, and then formal methods of solving problems should be used.

IV. Disciplinary Consequences and School Rules

The most important step for the parents and school is to think ahead. They should know the school rules. If a behavior or set of behaviors is going to be a problem, deal with it in the IEP. The IEP team should create a behavior plan to teach alternative behaviors.

TIP: If the IEP team does not mention behavior, the parent can bring it up at any IEP meeting.

An IEP team can talk about patterns of behaviors that may cause problems. Some disabilities have "common" behaviors. If these are a problem, the IEP team should address them. Not every child will show every "common" behavior typical of that disability. Some children might show behaviors that are not common for the disability. It is important for the IEP team to talk about what behaviors are being noticed at home, in school, or in the community. If there are behaviors that are, or will likely become, a problem, NOW is the time to work on them. The IEP team can make a plan.

Federal and state laws say it is illegal to discriminate against a person on the basis of disability. A child with a disability cannot be punished more severely than a non-disabled child for breaking the same rule. If a child

without a disability may be suspended for three days for breaking a rule, a child with a disability cannot be suspended for more than three days for breaking the same rule. There is no law that says a student who has a disability cannot be punished.

In addition, schools have the right and responsibility to report crimes to the police. To report a crime, schools do not need a parent's permission. For a child with a disability, if the police are called, the school must provide them with copies of the child's special education and disciplinary records. However, the school cannot send the special education or disciplinary records, unless it either gets parent permission, has a court order, or is responding to a situation where the child's health and safety are at issue.

Suspensions (In-school Suspensions and Removal from School)

When a child is suspended, the child is removed from school or class for a certain number of days as a consequence of breaking school or classroom rules. During in-school suspensions (removals) the child is in the school building, but not attending classes. Sometimes, in-school suspension will include doing work or getting instruction without being in the classroom as usual. Schools must promptly tell the parents if the child is suspended. Many schools will do it in writing. Parents can call and ask for district policies. Parents also have a right and need to know why their child is suspended.

TIP: Parents should call or visit the school when their child is suspended and find out why the child was suspended, how long the suspension is, and what services, if any, the child is receiving during the suspension period.

In Wisconsin, a child with a disability can be suspended for up to five days in a row, the same as a child without a disability. A school can suspend a child for more than five days in a row only if the school sends the parents a notice of an expulsion hearing. The school and parents as the IEP team can agree to a change in placement. (See also part on "Problem Solving".)

TIP: If a child with a disability is suspended and then misbehaves again, the consequence of suspension did not work. It is a good idea for the IEP team to meet and talk about developing a positive behavior plan to help prevent on-going problems and teach new behaviors. A functional behavioral assessment can help the team develop a plan. If the child has already been suspended for ten days in a school year, a functional behavioral assessment and a behavioral intervention plan is required with any additional suspension. The functional behavioral assessment and the behavior plan can be done in one meeting, if the team has enough information.

V. Exclusion through Patterns of Suspension or Expulsion

Generally, schools can suspend a child with a disability from school for up to ten days in a school year without having to take special steps and without providing services during the suspension. In Wisconsin this can be up to five days at a time.

Federal special education law permits a suspension of ten consecutive school days for one incident. However, state law is different. Wisconsin law only allows a ten day suspension if a notice of an expulsion hearing has been sent to the child and parents. Therefore, five days is the longest suspension allowed if no notice of an expulsion hearing has been sent.

The law does not set a specific limit on the total number of days of removal in a school year. After a total of ten days removal in a school year, for additional removals the IEP team takes new steps. If the team has not done a functional behavioral assessment, it does one. If the child does not have a behavior plan, the IEP team develops and implements one. If the child already has a plan, the team meets to review it. The IEP team must meet to look at the plan the first time the child is removed for more than 10 days in a school year. If there are later removals that are not a change of placement, the people on the IEP team review the plan and

its implementation. If one or more of the IEP team believes a child's positive behavior plan needs changes, the IEP team meets to change the plan and its implementation to the extent the IEP team determines.

TIP: If the child is getting suspended over and over again, then the IEP team CAN meet and take a closer look at how to prevent or reduce the behavior problems.

If the child is being suspended or removed frequently, anyone on the IEP team should begin to look at whether the removals are creating a pattern. A pattern of shorter suspensions that add up to more than 10 days in the year should be a caution. This could be a change in placement requiring appropriate procedures.

Suspensions that total more than 10 days in a school year may be a change of placement in some cases. The school decides if there has been a change in placement. Things the school considers when deciding if there is a change in placement include:

- the length of each removal,
- the total amount of time the child is removed,
- the proximity of the removals to one another.

If suspension creates a change of placement, the school must be sure to follow proper procedures. The team must meet to develop or review the positive behavior plan. Also the IEP team must do a manifestation determination. See *Long-term Removal Options*. If the team decides that the behavior was a manifestation of the disability, the school may not suspend the child. If the team decides the behavior was not a manifestation of the disability, the school may suspend the child. However, during the suspension the child must receive the IEP services that the team decides upon. Patterns of removal cannot keep a child from progressing in the general curriculum, receiving services listed in the IEP, or working on goals in the IEP.

If it looks like a pattern of removals is happening, experts recommend that the school call the IEP team together to revise the IEP and possibly to change the child's placement. If the parents and the rest of the IEP team agree to the change in placement, then the IEP is implemented and a change in behavior generally occurs.

If the child has been suspended for 10 days in a school year, and the school thinks an additional suspension would not be a placement change, the school administration and the child's special education teacher together decide the services the child receives during the suspension. (See also part on "Problem Solving".)

All children have the right to a hearing before being expelled from school. Children with disabilities have additional rights. Sometimes a child with a disability will do something that normally results in an expulsion or a suspension which results in a change of placement. The school must inform the parents, as it would even if the child was not in special education. Then, the school must be sure to follow additional rules because their child is in special education. Things must be done in a different way if the behavior involves drugs or weapons.

Long-term Removal Options—No Weapons or Drugs

The school must call the IEP team (including parents) and other qualified people together for a special meeting to make a *manifestation determination*. This meeting determines whether the behavior which got the child in trouble is a manifestation of the disability. The law prevents a school from using expulsion or other long-term removal if the cause of the behavior was the disability itself. Therefore, before an expulsion or other long-term removal, the IEP team has a hard job to do. The team must determine whether the behavior is a manifestation of the disability. Also, if they have not already done so, the team must do a functional behavioral assessment and develop a positive behavior plan. If the child already has a positive behavior plan, the team must meet to review the plan and revise it to address the behavior.

TIP: Experts agree that the IEP team can and should talk about and document a child's disability-related behavioral needs using a functional behavioral assessment BEFORE the crisis event. Functional behavioral assessment leading to prevention, teaching, and planning can often prevent the crisis in the first place.

To make a manifestation determination, the IEP team must look carefully at

- new and/or existing evaluation results,
- information from the parents,
- observations of the child,
- the child's IEP, and
- the child's placement.

The law assumes the behavior is a manifestation of the disability, unless the IEP team can show that all of the following are true:

- In relation to the behavior, the IEP or placement were appropriate and were being implemented.
- The child's disability did not interfere with understanding the consequences of the behavior.
- The child's disability did not interfere with the child's ability to control the behavior.

If in the review the IEP team finds a fault in the IEP or placement or their implementation, it must be corrected immediately.

Not a manifestation of the disability

If the IEP team decides that the behavior is NOT a manifestation of disability, then the child can be expelled or removed as a child without a disability would be. BUT the school must continue to provide services so that the child progresses in the general education curriculum and advances toward IEP goals, even if the child is no longer served in the same school environment. The IEP team decides what services the child needs and where those services will be provided.

Manifestation of the disability

If the IEP team decides that the behavior IS a manifestation of disability, then the school can seek a change of placement through the IEP team process, but the child cannot be expelled. The IEP team must decide how to provide the child with the services he or she needs in the least restrictive environment.

Long-term Removal Options—Danger to Self or Others

If the school believes that a child with a disability is substantially likely to hurt others or self, it can suspend the child (within suspension limits talked about above) and ask the IEP team to meet and revise the IEP and placement. If the IEP team, which includes the parents, believes a functional behavioral assessment and behavior plan (or a revision of a plan) is what's needed, they can do it.

The IEP team can develop a different placement for the child that better meets his or her needs. Unless the parent requests a due process hearing, the child goes to that new placement to continue

- to receive special education and related services,
- to progress in the general curriculum,
- to work on IEP goals and objectives, and
- to learn more appropriate behaviors.

TIP: Parents should find out the school's crisis intervention policies and police referral policies.

If the IEP team can't resolve the problem, the school has the right to ask a hearing officer to order that the child be removed from the current placement to an Interim Alternative Educational Setting (IAES) for up to 45 days. An Interim Alternative Educational Setting is a temporary setting that's different from the child's usual one and that is designed so the child can:

- continue to progress in the general education curriculum, but in another setting;
- continue to get the services in the IEP;
- continue to work on the goals in the IEP;
- get services to help prevent the behavior problem from happening again.

After the child's time in the Interim Alternative Educational Setting (up to 45 days), if the school believes that it would be dangerous for the child to return to the other setting, the school can ask a hearing officer to order that the child stay in the Interim Alternative Educational Setting for additional periods of up to 45 days each. One of the jobs of the Interim Alternative Educational Setting is to help the child prevent the behavior problems.

If school officials think that keeping a child in an educational placement is likely to result in injury to the child or others, the school can go to court to get an order to remove the child from school or to change the child's placement. However, the school remains responsible for providing FAPE to the child.

Not a manifestation of the disability

If the IEP team decides that the behavior is NOT a manifestation of disability, then the child can be expelled as a child without a disability would be, BUT the school must continue to provide the services the child needs to progress in the general education curriculum and advance toward IEP goals, even if the child is no longer served in the same school environment. The IEP team decides what services the child needs and where those services will be provided.

Manifestation of the disability

If the IEP team decides that the behavior IS a manifestation of disability, then the school can seek a change of placement through the IEP team process, but the child cannot be expelled. The IEP team must decide how to provide the child with the services he or she needs in the least restrictive environment.

Long-term Removal Options—Weapons or Illegal Drugs

There are two types of situations where a school district can remove a child with a disability from their current placement for up to 45 calendar days whether or not the behavior is a manifestation of the child's disability:

1. if the child has brought a weapon to school or to a school function or is found to have a weapon the child got while at school or a school function;
2. if the child knowingly possesses or uses illegal drugs or sells or solicits controlled substances while at school or at a school function.

In addition to calling the police, school officials can immediately suspend the student for up to ten school days (providing the parents with notice of possible expulsion) and move the child into an Interim Alternative Educational Setting (IAES) for up to 45 calendar days. If the parent challenges the Interim Alternative Educational Setting by requesting a due process hearing, the child will stay in that setting until the end of the hearing and any appeals, unless the parent and the school agree otherwise.

If the IEP team has not already done a functional behavioral assessment and implemented a positive behavior plan, they must do it at this time. The IEP team also must make a manifestation determination. During the time in the Interim Alternative Educational Setting, the child continues to get the services and teaching needed to keep making progress in the general curriculum, to keep working on IEP goals, and to learn

alternate behaviors. At the end of the time period, the child returns to the prior placement, unless the IEP team determines a different placement for the child. The child must continue receiving FAPE, regardless of the setting.

Schools have the right to seek an order from a hearing officer or judge if they believe the child is a danger to self or others. See *Long-term Removal Options-Danger to Self or Others*. In addition, the school has the right and the responsibility to involve law enforcement officers if they think a crime has been committed. Parents may request a copy of their district's police referral policy.

Not a manifestation of the disability

If the IEP team decides that the behavior is NOT a manifestation of disability, then the child can be expelled as a child without a disability would be, BUT the school must continue to provide the services the child needs to progress in the general education curriculum and advance toward IEP goals, even if the child is no longer served in the same school environment. The IEP team decides what services the child needs and where those services will be provided.

Manifestation of the disability

If the IEP team decides that the behavior IS a manifestation of disability, the school can still place the child in an Interim Alternative Educational Setting for up to 45 days. The school also can seek a change of placement through the IEP team process, but the child cannot be expelled. The IEP team must decide how to provide the child with the services he or she needs in a least restrictive environment.

Expedited Hearing

A due process hearing must be expedited in some cases. This includes when a parent disagrees with a manifestation determination or with any decisions regarding placement for disciplinary reasons. Hearings must also be expedited when the district wants a change in placement for safety reasons or when the district wants to extend an Interim Alternative Educational Setting because it thinks it is dangerous for the child to return to the prior setting.

An expedited hearing is one where the time from the request for the hearing and the mailing of the hearing decision is no more than 45 days. Extensions of the timeline are not permitted.

Progressing in the General Education Curriculum and IEP Goals

After a child has been suspended for ten school days in a school year, the child must get the services needed to progress in the general curriculum and move toward IEP goals. Throughout any exclusion from the child's special education program that is a change of placement, the child has the right to keep getting educational services. A child probably won't get the exact same teaching in the exact same classroom(s) or settings during suspensions or other exclusions. However, the school must continue to provide the child with FAPE.

The child must continue to get the services listed in the current IEP. The IEP team may meet to change the IEP if needed, and, if the parent doesn't agree with the changes, the parent can use the same informal and formal methods of solving problems as usual. The setting must be designed to help the child keep progressing in the general education curriculum, even if the child is going to a different place. The child will keep working toward IEP goals. If the child is in an Interim Alternative Education Setting (IAES), the program must also help the child learn more appropriate behavior so that the problem can be prevented in the future. If the child's behavior interferes with learning, the IEP team must consider strategies and supports to address the behavior.

Little seems clear when a child is experiencing severe behavior problems in school. When the child is also in special education, the processes of helping the child while protecting the safety of others becomes very

complex. If parents or districts have questions about legal rights and actions, they should contact an attorney.

Throughout the process of dealing with severe behaviors and severe consequences, the IEP team, which includes the parents, takes a lead role. The IEP team has the power to prevent many problems. If parents agree with changes in the IEP or changes in placement to help the child with the behavior, then the school can focus its energy on helping the child improve behavior. Parents continue to have important rights and roles during the process, and their understanding of the laws and the processes is critical.

Protections for Children Not Yet Eligible for Special Education and Related Services

If a child has not been identified as being eligible for special education but does something that violates school rules, he/she may have the protection of special education law if, before the behavioral violation:

- the parents have expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents writing) to school staff that the child needs special education and related services;

TIP: If you are concerned about your child's behavior or performance, it's best to write a referral for an IEP team evaluation and give it to the principal. If needed, you can ask someone to help you put it in writing.

- the behavior or performance of the child shows the need for special education services;
- the parent of the child has asked for an IEP team evaluation;
- the child's teacher or other school staff has expressed concern about the behavior or performance of the child to the special education director or other staff in accordance with the school's child find or special education referral system. (See "Child Find" and "Referral" in Part I: The IEP Process)

National Resources

(For most current lists, go to <http://www.cesa7.k12.wi.us/sped>)

Beach Center on Families and Disability
Bureau of Child Research
University of Kansas
3111 Hayworth Hall
Lawrence, KS 66045
784 864-7600
<http://www.lsi.ukans.edu/beach/>

The Council for Exceptional Children (CEC)
1110 North Glebe Road, Suite 300
Arlington, VA 22201-5704
703 620-3660; 703 264-9446 (TTY)
888 232-7733
<http://www.cec.sped.org/>

Disability Rights Education and Defense Fund (DREDF)
2212 Sixth Street
Berkeley, CA 94710
510 644-2555; Fax 510 841-8645
E-mail: dredf@dredf.org
<http://www.dredf.org>

Disability Resources, Inc.
Four Glatter Lane
Centereach, NY 11720-1032
631/585-0290
<http://www.disabilityresources.org/SPECIFIC.html>
(online information on organizations for specific disabilities)

ERIC Clearinghouse on Disability & Gifted Education
The Council for Exceptional Children (CEC)
1110 North Glebe Road
Arlington, VA 22201-5704
800/328-0272 (V/TTY)
<http://ericec.org/>

HEATH Resource Center
One Dupont Circle NW, #800
Washington, DC 20036-1193
202/939-9320 (V/TTY); 800/544-3284;
<http://www.heath-resource-center.org/>
(National Clearinghouse On Post-Secondary Education For
People With Disabilities)

Mothers United for Moral Support, Inc.
150 Custer Court
Green Bay, WI 54301-1243
920/336-5333

National Council on Disability
1331 F Street, NW, Suite 1050
Washington, DC 20004-1107
202/272-2004; 202/272-2074 (TTY)
<http://www.ncd.gov/index.html>

National Easter Seal Society
230 W. Monroe, #1800
Chicago, IL 60606
312/726-6200; 312/726-4258 (TTY)
800/221-6827
<http://www.easter-seals.org/>

National Information Center for Children and
Youth with Disabilities (NICHCY)
P.O. Box 1492
Washington, DC 20013
202/884-8200 (V/TTY)
800/695-0285 (V/TTY)
<http://www.nichcy.org>

National Organization for Rare Disorders (NORD)
P.O. Box 8923
New Fairfield, CT 06812-8923
203/746-6518; 202/746-6927 (TTY)
800/999-NORD (V); Fax: 203/746-6481
<http://www.rarediseases.org/>

National Parent Network on Disabilities (NPND)
1130 17th Street, NW., Suite 400
Washington, D.C. 20036
202/463-9403; Fax: 202/463-9403
www.npnd.org

National Rehabilitation Information Center (ABLEDATA)
8630 Fenton Street, Suite 930
Silver Spring, MD 20910-331
301/588-9284 (V); 301/495-5626 (TTY)
800/227-0216
<http://www.abledata.com/>

Office of Civil Rights (OCR), Region 5
Department of Education
111 N Canal Street, Suite 1053
Chicago, IL 60606
312/886-8434 (region covering Wisconsin)
312/353-2540 (TDD)

Office of Special Education Programs (OSEP)
Switzer Bldg.
330 C Street, SW
Washington DC 20202
202/205-5507
<http://www.ed.gov/offices/osers/osep/index.html>

Specific Disabilities

American Association on Mental Retardation
444 N. Capitol St., NW, #846
Washington, DC 20001-1512
202/387-1968 (V); 800/424-3688
<http://www.aamr.org/>

American Council of the Blind
1155-15th St., NW, Suite 1004
Washington, DC 20005
202/467-5081 (V); 800/424-8666
<http://acb.org/>

American Foundation for the Blind
11 Penn Plaza, Suite 300
New York, NY 10001-2018
212/502-7600; 800/232-5463
212/620-2158 (TTY)
<http://www.afb.org/>

The Arc of the United States
1010 Wayne Ave., Suite 650
Silver Springs, MD 20910
301/585-3842
<http://www.thearc.org/>

Autism Society of America, Inc.
7910 Woodmont Avenue, Suite 300
Bethesda, MD 20814-3064
301/657-0881 (V); 800/328-8476
<http://www.autism-society.org/>

Bazelon Center for Mental Health Law
1101 15th St. NW, #1212
Washington, DC 20005-5002
202/467-5730; 202/467-4232 (TTY)
<http://www.bazelon.org/>

Brain Injury Association, Inc.
105 North Alfred Street
Alexandria, VA 22314
703-236-6000; 800/444-6443
<http://www.biausa.org/>

Children with Attention Deficit Disorder (CHADD)
8181 Professional Place, Suite 201
Landover, MD 20785
301/306-7070; Fax: 301/306-7090
E-mail: national@chadd.org
<http://www.chadd.org/>

DB-LINK

The National Information Clearinghouse
on Children Who Are Deaf-Blind
Teaching Research
345 N Monmouth Avenue
Monmouth, OR 97361
800/438-9376; 800/854-7013 (TTY)
<http://www.tr.wosc.osshe.edu/dblink/index.htm>

Epilepsy Foundation of America
(and National Epilepsy Library & Resource Center)
4351 Garden City Drive
Landover, MD 20785-7223
301/459-3700; 800/332-1000
800/332-2070 (TTY); Fax: 301/577-2684
<http://www.efa.org/>

Learning Disabilities Association of America
4156 Library Rd.
Pittsburgh, PA 15234-1349
412/341-1515; 412/341-8077 (V)
Fax: 412/344-0224
<http://www.ldanatl.org/>

Leukemia Society of America
600 3rd Ave., 4th Floor
New York, NY 10016
212/573-8484; Fax: 212/856-9686
800/955-4654

The Leukemia & Lymphoma Society Inc.
1311 Mamaroneck Ave.
White Plains, NY 10605
914/949-5213; 800/955-4572
<http://www.leukemia-lymphoma.org/>

Lupus Foundation of America, Inc.
1300 Piccard, Suite 200
Rockville, MD 20850-4303
301/670-9292 (V); 800/558-0121
<http://www.lupus.org/>

Muscular Dystrophy Association
3300 E. Sunrise Dr.
Tucson, AZ 85718
602/529-2000 (V); 800/572-1717
<http://www.mdausa.org/>

National Alliance for the Mentally Ill
Colonial Place Three, 2107 Wilson Blvd., Suite 300,
Arlington, VA 22201
Phone: 703-524-7600; NAMI HelpLine: 1-800-950-NAMI
[6264]
<http://www.nami.org/>

National Association of the Deaf
814 Thayer Ave.
Silver Spring, MD 20910-4500
301/587-1788; 301/587-1789 (TTY)
<http://www.nad.org/>

National Cystic Fibrosis Foundation
6931 Arlington Rd.
Bethesda, MD 20814
301/951-4422 (V/TTY) 800/344-4823 (V/TTY)
<http://www.cff.org/>

National Diabetes Information Clearinghouse (NDIC)
1 Information Way
Bethesda, MD 20892-3560
301/654-3327 (V); 301/657-2172 (TTY)
<http://www.niddk.nih.gov/health/diabetes/ndic.htm>

National Down Syndrome Congress
7000 Peachtree-Dunwoody Road, N.E.
Lake Ridge 400 Office Park Building #5 - Suite 100
Atlanta, GA 30328-1655
800/232-6372; 770/604-9500
<http://www.ndscenter.org>

National Early Childhood Technical Assistance System
(NEC*TAS)
137 E. Franklin St., Suite 500
Chapel Hill, NC 27514
919/962-2001 (V); 877/574-3194 (TTY)
<http://www.nectas.unc.edu/>

National Information Center on Deafness
Gallaudet University
800 Florida Ave. NE
Washington, DC 20002-3625
202/651-5051; 202/651-5052 (TTY)
<http://clerccenter.gallaudet.edu/>

National Library Service for the Blind and
Physically Handicapped
Library of Congress
1291 Taylor St. NW
Washington, DC 20542
202/707-5100 (V); 202/707-0744 (TTY)
800/424-8567 (V/TTY)

National Spinal Cord Injury Association
6701 Democracy Boulevard
Suite 300-9
Bethesda, MD 20817
301/588-6959; 800/962-9629
<http://www.spinalcord.org/>

Tourette Syndrome Association
4240 Bell Blvd., Suite 205
Bayside, NY 11361
718/224-2999; 800/237-0717
<http://www.tsa-usa.org/>

Spina Bifida Association of America
4590 MacArthur Blvd. NW, Suite 250
Washington, DC 20007-4226
202/944-3285; 800/621-3141
<http://www.sbaa.org/>

The Association for Persons with
Severe Handicaps (TASH)
29 W. Susquehanna Ave., Suite 210
Baltimore, MD 21204
410/828-1306 (TDD); 410/828-8274
800/482-TASH
<http://www.tash.org/>

United Cerebral Palsy National (UCP)
1660 L Street, NW, Suite 700
Washington, DC 20036
800/872-5827; 202/776-0406; 202/973-7197 (TTY)
<http://www.ucpa.org/>

Wisconsin Resources:

Wisconsin State Agencies

SPECIAL EDUCATION

Carolyn Stanford Taylor, Assistant State Superintendent
Division for Learning Support: Equity and Advocacy
125 South Webster Street, PO Box 7841
Madison, WI 53707-7841
608/266-1649; 800/441-4563
<http://www.dpi.state.wi.us/dpi/dlse/cen>

AGES 3- 5

Early Childhood: Exceptional Educational
Needs Programs
Division for Learning Support: Equity and Advocacy
Department of Public Instruction
PO Box 7841
Madison, WI 53707-7841
608/267-9172;
800/441-4563
<http://www.dpi.state.wi.us/dpi/dltel/bbfcsp/ecspedhm.html>

INFANTS AND TODDLERS: B-3

Birth to 3 Coordinator
Division of Supported Living Department of Health & Family
Services
PO Box 7851, Room 418
Madison, WI 53707-7851
608/266-8276
www.dhfs.state.wi.us/bdds/b3.htm

PERSONNEL DEVELOPMENT PROJECT

231 Waisman Center
1500 Highland Avenue
Madison, WI 53705
608/263-5022
<http://www.waisman.wisc.edu/earlyint>

DIVISION OF VOCATIONAL REHABILITATION

Department of Workforce Development
2917 International Lane, Suite 300
PO Box 7852
Madison, WI 53707-7852
608/243-5603
www.dwd.state.wi.us/dvr

MENTAL HEALTH

Bureau of Community Mental Health
Department of Health & Family Services
PO Box 7851
Madison, WI 53707-7851
608/267-7792
www.dhfs.state.wi.us/MH_BCMH/index.htm

STATE CHILDREN'S SERVICES

Division of Children & Family Services
Department of Health & Social Services
PO Box 7850
Madison, WI 53707
608/267-3905
<http://www.dhfs.state.wi.us/about/dhfs/DCFS/dcfserve.htm>

DEVELOPMENTAL DISABILITIES

Bureau of Developmental Disabilities Services
Department of Health and Family Services
PO Box 7851
Madison, WI 53707-7851
608/266-0805
<http://www.dhfs.state.wi.us/bdds/index.htm>

WI Council on Developmental Disabilities
600 Williamson Street, 2nd Floor;
PO Box 7851
Madison, WI 53707-7851
608/266-7826
<http://www.wcdd.org/>

OTHER:

Bureau for the Deaf and Hard of Hearing
Department of Health and Family Services
2917 International Lane
PO Box 7851
Madison, WI 53707-7851
608/266-3118 (V/TTY)
<http://www.dhfs.state.wi.us/sensory/>

Autism Society of Wisconsin
103 W. College Avenue, Suite 601
Appleton, WI 54911-5744
920-993-0279
888/4-AUTISM (WI only)
<http://www.asw4autism.org>

Brain Injury Association of Wisconsin
2900 North 117th Street, Suite 100
Wauwatosa, WI 53222
414/778-4144; 800/882-9282 BIAW (Wisconsin)
1-800-444-6443 BIA (National)
Fax: 414/778-0276

Client Assistance Program (DVR)
1 West Wilson Street, Room 558
Madison, WI 53707-7850
608/266-5378

Children With Special Health Care Needs
Bureau of Family and Community Health
PO Box 2659
Madison, WI 53701-2659
608/266-70531
24-hour Hot Line: 800/642-7837
http://www.dhfs.state.wi.us/DPH_BFCH/Family_Health/index.htm - CSHCN_Program

Down Syndrome Association of Wisconsin
P.O. Box 240586
Milwaukee, WI 53224-9018
414/355-1404; Fax: 414/355-1235
<http://www.dsaw.org>

Easter Seal Society of Wisconsin
101 Nob Hill Road, Suite 301
Madison, WI 53713
608/277-8288 (V); 608/277-8031 (TTY)

Families Forward
201 Capital Street
Wisconsin Dells, WI 53965
608/254-6791

Grandparents Raising Grandchildren Partnership of Wisconsin
301 Extension Building
432 N. Lake St
Madison, WI 53706
608/262-8083; 800/947-3529 (V/TTY)
<http://www.uwex.edu/ces/flp/grgp/over.html>

Learning Disabilities Association-Wisconsin
1446 Baytree Lane
Neenah, WI 54956
920/720-5755
<http://njdsd.org/lda/>

Mental Health Association
734 N 4th Street, Suite 325
Milwaukee, WI 53203-2102
414/276-3122
MHAMilw.org

NAMI Wisconsin, Inc.
4233 West Beltline Highway
Madison, WI 53711
608/268-6000; 800/236-2988
<http://www.namiwisconsin.org>

Native American Family Empowerment Center
2932 Highway 47N, P.O. Box 9
Lac du Flambeau, WI 54538
800/472-7207

People First of Wisconsin (self-advocacy)
3195 S. Superior Street
Milwaukee, WI 53207
1-888-270-5352
<http://www.peoplefirstwi.org/>

Prader-Willi Syndrome Association of Wisconsin
305 Amanda Way
Verona, WI 53593
Phone: 608/845-9597
http://www.athenet.net/~pwsa_usa WI/wihome.htm

Spina Bifida Association of Southeastern WI
W 300 N1725 Timberbrook Road
Pewaukee, WI 53072
262/367-6226
<http://www.waisman.wisc.edu/earlyint/wis-fam/spinabifida.html>

The Arc-Wisconsin
600 Williamson Street, Suite J
Madison, WI 53707-3588
608/251-9272; 877/272-8400

United Cerebral Palsy of WI
201 Ceape Street, Room 108
PO Box 1241
Oshkosh, WI 54902-1241
920/424-4071; 800/261-1895 (in WI)

United Cerebral Palsy of SE Wisconsin, Inc.
7519 West Oklahoma Avenue
Milwaukee, WI 53219
414/329-4500; Toll free 1-888-4UCPSEW
Fax: 414/329-4510; 414/329-4511 (TTY)
<http://www.execpc.com/~ucpofsew/wilist.html> for other local chapters

Waisman Center University Affiliated Programs
University of Wisconsin - Madison
1500 Highland Avenue
Madison, WI 53705-2280
608/263-5940
<http://www.waisman.wisc.edu/>

Wisconsin Assistive Technology Initiative (WATI)
357 N Main Street
Amherst, WI 54406
715/824-6415; 800/565-8135
<http://www.wati.org>

Wisconsin Coalition for Advocacy
16 North Carroll Street, Suite 400
Madison, WI 53703
608/267-0214(V/TTY); 800/928-8778 (V/TTY) (in WI only)

Wisconsin Council of the Blind
354 West Main Street
Madison, WI 53703-3115
608/255-1166 or 800/783-5213
<http://www.wcblind.org/contact.html>

Wisconsin Council on Physical Disabilities
Post Office Box 7851
Madison, Wisconsin 53707-7851
608/266-8905; 608/267-9880 (TTY)
<http://www.dhfs.state.wi.us/Disabilities/Physical/COUNCIL.HTM>

Wisconsin Family Ties
16 North Carroll Street, Suite 640
Madison, WI 53703
608/267-6888; 800/422-7145
<http://www.wifamilyties.org/>

Wisconsin First Step
c/o Gunderson/Lutheran
1910 South Avenue
LaCrosse, WI 54601-5400
800/642-7837

Wisconsin Special Education Alliance
Donna Hedrich, Consultant
608/745-5880
<http://www.spedalliance.com>
E-mail: hedrichd@itis.com

Wisconsin Special Education Mediation System
Marquette University
P O Box 181
Milwaukee, WI 53201-1881
414/288-1425; 414/288-6129 (TTY); 888/298-3857
<http://www.cesa7.k12.wi.us/sped/wseds/index.htm>

PARENT TRAINING AND INFORMATION

Family Village (online resources)
Waisman Center University Affiliated Programs
1500 Highland Avenue
Madison, WI 53705-2280
608/263-5973
<http://www.familyvillage.wisc.edu/index.htmlx>

First Step
800/642-7837
(Information and referral birth-21)

Parent Education Project of Wisconsin, Inc.
2192 South 60th Street
West Allis, WI 53219
414/328-5520; 414/328-5525 (TTY)
800/231-8382 (in WI)
<http://members.aol.com/pepofwi>

Parent Projects, Waisman Center UAP
1500 Highland Avenue
Madison, WI 53705-2280
608/265-2063
<http://www.waisman.wisc.edu/earlyint/>

Technical Assistance for Parent Centers--the Alliance
Families and Advocates Partnership for Education (FAPE)
PACER Center
8161 Normandale Blvd.
Minneapolis, MN 55437
888/248-0822
www.fape.org

Wisconsin Congress of Parents and Teachers, Inc.
4797 Hayes Road, Suite #2
Madison, WI 53704-3256
608/244-1455
<http://www.wisconsinpta.org/>

Wisconsin FACETS
2714 N. Martin Luther King Drive
Milwaukee WI 53212
414/374-4645; TDD: 414/374-4635

Wisconsin Statewide Parent-Educator Initiative
Building D-2, Mailbox 65
800 Wisconsin Street
Eau Claire, WI 54703
877/844-4925
<http://www.dpi.state.wi/dpi/dlsea/een/parent.html>

GLOSSARY

Assistive technology (AT): Any item that a child needs to increase, maintain or improve how the child does in school. AT includes low-tech and high-tech items, from a calculator to a computer. AT also can mean services a child needs to help in choosing, getting, or using the item.

Behavioral Intervention Plan (BIP): The IEP Team makes a plan to help prevent problem behaviors. The plan helps a child learn new appropriate behaviors. A positive behavior plan is not a list of punishments. The plan uses information from a functional behavioral assessment.

Consent: The parent tells the school in writing that the parent understands and agrees to what the school plans to do. The consent form says the parent understands consent is voluntary and the parent can take it back at any time. You can revoke the consent, but it does not cancel what the LEA has already done.

Evaluation: When a professional gathers information about your child to decide if your child qualifies for special education, or the kind and amount of services your child needs. Evaluation can be testing, observing, or talking to people who work with the child.

Evaluation Report: The IEP team gathers all evaluation information about your child. They work together to write a final report about the evaluation. The report includes whether your child qualifies for special education.

Functional Behavioral Assessment (FBA): The IEP Team finds out what makes the child keep doing problem behaviors and how to help the child learn how to behave differently.

General curriculum: The curriculum children without disabilities learn in the general education classroom.

Home-based schooling: Parents choose to teach their child at home, instead of sending their child to school to learn basic subjects.

Homebound schooling: When the child's IEP Team decides it is appropriate, the school teaches a child at home. The IEP Team's decision must be based on the child's needs.

LEA representative: A person on the IEP Team who can commit the school's resources so that the child receives the IEP services. All IEP meetings must have an LEA representative.

Placement: The child's IEP, the setting (regular class, resource room, self-contained class), and the school building the child attends.

Related Services: Things a child may need to benefit from special education. They are included in the IEP.

Summary Report: Each IEP Team participant who evaluated your child writes a report telling about evaluation results. The report helps with program planning.

Transition: Transition is the term for preparing a child for life after graduation. Transition planning is a required part of every child's IEP starting at age 14. Transition planning is also required for every child moving from Birth to Three Programs to Early Childhood. Sometimes transition planning happens when a child moves from one grade to the next, or one school to the next. Transition can also mean moving from one class to the next class in school.

Index

- additional time--6,7,8,9,16,17
- age of majority--22
- assistive technology--26,27,53
- behavioral intervention plan--
25,39,40,43,53
- Braille--26,27
- charter school--32
- child find--4,5,33,47
- child with a disability, definition--1
- consent
 - evaluation--8,9,10,11
 - placement--28,29
 - reevaluation--28,29
- discipline--39,42-47
- eligible--14,16,17
- evaluation report--8,9,15-20, \53
- expulsion--43,44,46
- extended school year (ESY)--24,25
- FAPE--2,8,9,24,26,32,37,45,46,47
- functional behavioral assessment (FBA)--
39,40,41,42,43,44,45,46,53
- home schooling--33
- homebound schooling--33,53
- IDEA complaint--3,32,34,35,36,37
- independent educational evaluation--(IEE),
2,29,34,35
- interim alternative educational setting
(IAES)--47
- LEA representative--15,53
- least restrictive environment (LRE)--2,41
- manifestation determination--44,45,46
- mediation--3,8,9,29,31,32,45,46
- modifications--12,13,18,19,20,21,28,29
- parent, definition--2
- parent participation--16
- present levels of performance--12
- private school--2,4,32,33
- procedural safeguards--1,2
- records
 - right to see--4,5,46
- reevaluation--3,10,12,14,24,28,29,30,31
- referral for evaluation--3,5,6,7,33,45,46,47
- stay-put rule--38
- summary report--14,15,16,53
- suspension--42,43,44,45,47
- timeline
 - due process hearing--36,45
 - evaluation--3,6,7,31
 - IDEA complaint--35
 - mediation--36
- transition
 - at age three--4,5
 - beginning at age 14--22,23,53